

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, January 07, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 07, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representatives Anderson(1), Barbieri, Luker

GUESTS: Jack Lyman, Idaho Mining Association.

Chairman Loertscher called the meeting to order at 9:30 a.m.

Chairman Loertscher welcomed everyone back to the 2014 legislature. He encouraged everyone to get their legislation in as soon as possible.

Vice Chairman Batt was recognized for the purposes of assigning subcommittees for review of the assigned Administrative Rules.

Subcommittees for the rules review will be divided into three groups. The subcommittees are as follows:

Office of the Governor/Military Division/Homeland Security Rules:
Chair Sims, Rep. Holtzclaw, Rep. McMillan, Rep. Gannon.

Idaho Public Utilities Commission Rules, Secretary of State Rules, and Idaho State Lottery Commission Rules:
Chair Monks, Rep. Packer, Rep. Woodings.

Department of Administration Rules:
Chair Barbieri, Rep. Luker, Rep. Smith.

Vice Chair Batt advised the subcommittees to work with the secretary in regards to scheduling meetings and presenters.

The deadline for subcommittees to submit their recommendations for the Rules, to the committee is January 22, 2014.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:40 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, January 09, 2014

SUBJECT	DESCRIPTION	PRESENTER
---------	-------------	-----------

Administrative Rules Discussion

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 09, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Barbieri

GUESTS: Raeleen Welton, Westerberg and Associates; Tyler Mallard, Risch Pisca; Monica Hopkins, ACLU.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the January 7, 2014 meeting. **Motion carried by voice vote.**

Vice Chairman Batt discussed the changes in the Administrative Rules assigned to the committee. She also announced that the subcommittees have been changed as follows:

Rules from the **Office of the Governor/Military Division/Homeland Security** have been transferred to the Transportation and Defense Committee.

Rules from the **Idaho Public Utilities Commission, Docket No. 31-7103-1301** have also been transferred to the Transportation and Defense Committee.

Rules from the **Idaho State Police/Idaho State Racing Commission** will be reviewed by the committee as a whole.

Vice Chair Batt encouraged the committee to read through the Rules from the Idaho State Racing Commission carefully and to go to the facility to see how the Rules would affect the public. She advised the members to coordinate with the secretary as transportation can be provided.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:07 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, January 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22422</u>	Idaho Horse Racing Commission fiscal year-end balances	Frank Lamb Executive Director, Idaho State Racing Commission

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 13, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Frank Lamb, Idaho Racing Commission; Rebecca Bartuner, Idaho Racing Commission; Russell Westerberg, Idaho Racing Commission; Teresa Baker, Idaho Racing Commission; Colby Cameron, Sullivan and Reberger; Raeleen Welton, CDA Racing.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the January 9, 2014 meeting. **Motion carried by voice vote.**

RS 22422: **Frank Lamb**, Idaho State Racing Commission, presented **RS 22422**, proposed legislation amending the fiscal year-end balance that the Racing Commission is allowed to retain from \$400,000 to \$800,000.

In response to questions, **Mr. Lamb** stated the Racing Commission needs more of a cushion to be sure the costs from their estimated budgets are covered. He stated there has not been a raise in the fiscal year-end balance in 10 years. He stated there are a lot of mandates the Commission needs to be sure they are conforming to and full-time employees are always necessary. He also stated the escalator can be taken out if necessary, their intent was to get up to \$800,000.

MOTION: **Rep. Batt** made a motion to return **RS 22422** to the sponsor. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, January 15, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22463	Elected officials unable to serve as Senator or Representative	Rep. Luker

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 15, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Rep. Gannon

GUESTS: Raeleen Welton, RMP; Lane Allgood, Partnership for Science and Technology; Dennis Stevenson, Office of Administrative Rules; Becky Schroeder, Idaho Lottery; Amber French, Idaho Lottery; Angie Vitek, Idaho Lottery; Jeff Harvey, Secretary of State; Betty Dressen, Payette County Clerk.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 13, 2014 meeting. **Motion carried by voice vote.**

RS 22463: **Rep. Luker** presented **RS 22463**, proposed legislation that prohibits elected officials or those who exercise taxing or public spending authority from serving as State Legislators.

In response to committee questions, **Rep. Luker** stated that only those people on a ballot, i.e. elected officials, would be prohibited from serving as legislators under the proposed legislation. He also stated the concern was the concept of multiple elected officials aversion of accumulation of power. He stated the legislative session takes a lot of time and it isn't fair for the constituents who might depend on a legislator who works in another official capacity as an elected official.

MOTION: **Rep. Palmer** made a motion to introduce **RS 22463**. **Motion carried by voice vote.**

In support of the motion, **Rep. Batt** stated she encouraged the sponsor to make changes to fit the needs of smaller rural communities, especially those who work with irrigation districts.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
MONKS SUBCOMMITTEE
Monks Subcommittee
10:00 A.M.
Room EW40
Wednesday, January 15, 2014

DOCKET NO.	DESCRIPTION	PRESENTER
31-0101-1301	Rules of procedure of the Idaho Public Utilities Commission	Paul Kjellander, Commissioner Idaho Public Utilities Commission
34-0601-1301	Rules governing the Electronic Recording of Real Property	Jeff Harvey, UCC Supervisor Secretary of State
52-0102-1301	Gaming Rules of the Idaho State Lottery	Amber French, Deputy Director Idaho State Lottery

COMMITTEE MEMBERS

Chairman Monks
Rep.Monks
Rep.Packer
Rep.Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE
MONKS SUBCOMMITTEE
Monks Subcommittee

DATE: Wednesday, January 15, 2014

TIME: 10:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Monks, Representatives Packer, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Jeff Harvey, Secretary of State; Don Howell, AG-PUC; Paul Kjellander, Idaho Public Utilities Commission; Betty Dressen, Payette County Clerk; Jeff Anderson, Idaho Lottery Commission; Raeleen Welton, ILBA; Becky Schroeder, Idaho Lottery Commission; Amber French, Idaho Lottery Commission; Angie Vitek, Idaho Lottery Commission; Parker Papworth, Lobby Idaho.

Chairman Monks called the meeting to order at 9:59 a.m.

DOCKET NO. 31-0101-1301: **Paul Kjellander**, Commissioner, Idaho Public Utilities Commission, presented **Docket No. 31-0101-1301**. He stated the pending rules submitted improve the efficiency and cost-effectiveness of the Commission. It allows the Commission to update its list of current utilities and railroads; increases public involvement; improves clarity of two rules regarding customer notices and is general housekeeping in nature. He also stated there was no opposition to the rules as well as no fees involved.

MOTION: **Rep. Packer** made a motion to recommend approval of **Docket No. 31-0101-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 34-0601-1301: **Jeff Harvey**, UCC Supervisor, Secretary of State, presented **Docket No. 34-0601-1301**. He stated the rules seek to create uniformity in all of Idaho's real property recording agencies. He stated the practices and procedures have been in effect for months but have not been codified yet. The text of the rules was reviewed by all 44 county clerks, representatives of the Idaho Association of Records and Clerks, and representatives from AmeriTitle and Alliance Title. He stated there are seven non-participation counties, but it is unknown if that is because of technical capabilities.

MOTION: **Rep. Woodings** made a motion to recommend approval of **Docket No. 34-0601-1301** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 52-0102-1301: **Amber French**, Deputy Director of Enforcement, Idaho Lottery Commission, presented **Docket No. 52-0102-1301**. She stated the pending rules are required in order to be consistent with the new legislation passed in 2013. The particular sections are 67-7709 and 67-7710, Idaho Code, regarding record retention requirements, and removal of Holiday Christmas Tree Fundraising, among others. She stated the rules simply render applicable rules consistent with Idaho Code.

MOTION: **Rep. Packer** made a motion to recommend approval of **Docket No. 52-0102-1301** to the full committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:25 a.m.

Representative Monks
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
BARBIERI SUBCOMMITTEE
Barbieri
9:30 A.M.
Room EW40
Friday, January 17, 2014

DOCKET NO.	DESCRIPTION	PRESENTER
38-0406-1301	Rules governing use of exterior of State property in the Capitol Mall and other State facilities	Teresa Luna, Director Department of Administration
38-0408-1301	Rules governing use of State Capitol exterior	Teresa Luna, Director Department of Administration

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Barbieri
Rep.Luker
Rep.Smith

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145

MINUTES
HOUSE STATE AFFAIRS COMMITTEE
BARBIERI SUBCOMMITTEE
Barbieri

DATE: Friday, January 17, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Barbieri, Representatives Luker, Smith

**ABSENT/
EXCUSED:** None

GUESTS: Dean Gunderson, self; Raeleen Welton, Westerberg and Associates; Mary Bolognino, Homeless Coalition; Shavone Hasse, self; Monica Hopkins, ACLU; Anne Hausrath, self; Barbara Kemp, self; Lois Morgan, self; Richard Eppink, Attorney for ACLU.

Chairman Barbieri called the meeting to order at 9:30 a.m.

DOCKET NO. 38-0406-1301: **Teresa Luna**, Director, Department of Administration, presented **Docket No. 38-0406-1301**. She stated the Pending Rules presented coincide with **H 693**, an emergency clause to promulgate three sets of Rules regarding the interior, and changes to the exterior of the Capitol and Capitol Mall properties. She stated the changes have been made and modifications also made in regards to the definitions in the Rules. She also stated there is an active case in the Idaho Federal Court regarding some of the issues in the Rules. She said the Deputy Attorney General for the Department has advised the Department to not make any changes to the Rules other than what coincides with **H 693** because the Department will be appealing **Judge Winmill's** decision in the near future. She stated she was advised to leave the pending Rules as written in order to use it in the Department's appeal.

In response to committee questions, **Ms. Luna** stated the only outstanding piece of the federal case is the camping statute.

In response to questions, **Clay Smith**, Deputy Attorney General for the Department of Administration, stated there is no trial date set for the camping statute issue but a Summary Judgment has been filed which should be resolved in February. He stated the camping statute was not addressed in the District Court's opinion in June 2013. He also stated the Department is waiting to appeal until the final Order is filed which will be after the camping statute issue is resolved.

DOCKET NO. 38-0408-1301: **Teresa Luna**, Director, Department of Administration, presented **Docket No. 38-0408-1301**. She stated the Pending Rules are a result of the rejected Rules from the 2013 legislative session, which now provide better clarifications of the requirements for use of the State Capitol exterior.

In response to questions, **Ms. Luna** stated the Department has been advised to leave the Pending Rules as written in order to use it in the Department's appeal.

Dean Gunderson, representing himself, stated he is opposed to the Pending Rules because the Court has found them unconstitutional. He also stated the fiscal impact is incorrect as well.

Shavone Hasse, representing herself, stated she is opposed to the Rules for many reasons. She stated she was part of Occupy Boise and explained that there were many shifts to maintain overnight protests but that it was nearly impossible not to sleep. She also stated it doesn't matter what Rules or laws are passed, she and other activists will do whatever they want.

Monica Hopkins, Executive Director, ACLU, stated she is opposed to the Rules because they were deemed unconstitutional by Judge Winmill in the U.S. District Court on December 9, 2013. She stated there are multiple sections of the Pending Rules that should not be approved including the sections on State Events and Exhibits, Permits: Fees and Costs, Public Use Duration, and Liability and Indemnification.

In response to questions, **Richard Eppink**, Legal Director, ACLU, stated the ACLU has a rough estimate of \$100,000 in court costs from the case. He stated that after the case is appealed that number could easily double.

Anne Hausrath, representing herself, stated she is opposed to the Rules because she feels they are unnecessary. She stated the State of Idaho has existed for over 100 years without such Rules and has been fine. She said the State could save time and money that could be spent elsewhere by ceasing to change the Rules.

Barbara Kemp, representing herself, stated she is opposed to the Rules and that there are more than just fiscal costs, but moral and political costs as well. She also stated the Rules have been deemed unconstitutional in Federal Court.

MOTION: **Rep. Smith** made a motion to send **Docket No. 38-0406-1301** and **Docket No. 38-0408-1301** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:00 a.m.

Representative Barbieri
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, January 20, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22540</u>	Historical horse races	Rep. Luker

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 20, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1), Crane

GUESTS: Julie Hart, Westerberg and Associates; Russ Westerberg, Westerberg and Associates; Stan Boyd, TVR; John Jameson, TVR; Lyn Darrington, Gallatin Public Affairs; Colby Cameron, Sullivan and Reberger.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 15, 2014 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 15, 2014 Monks Subcommittee meeting. **Motion carried by voice vote.**

RS 22540: **Rep. Luker** presented **RS 22540**, proposed legislation formalizing Rules to limit horse racing to cash or cash vouchers only.

MOTION: **Rep. Andrus** made a motion to introduce **RS 22540**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, January 21, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Presentation on Partnership for Science and Technology	Lane Allgood, Executive Director Partnership for Science and Technology
Docket No. 11-0402-1301	Idaho Racing Commission Rules governing simulcasting	Frank Lamb, Executive Director Idaho Racing Commission
Docket No. 11-0411-1301	Idaho Racing Commission Rules governing equine veterinary practices, permitted medications, banned substances and drug testing of horses	Frank Lamb, Executive Director Idaho Racing Commission
	Report of Subcommittees on Administrative Rules	Rep. Batt

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 21, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Anderson(1)

GUESTS: Brad Hunt, OARC; Russell Westerberg, Westerberg and Associates; Teresa Baker, ISP; Frank Lamb, Idaho Racing Commission; Rebecca Bartuner, Idaho Racing Commission; Bill Roden, Coeur d' Alene Tribe, Helo Hancock, Coeur d' Alene Tribe; McKinn Miller, Gallatin.

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Smith** made a motion to approve the minutes of the January 17, 2014, Barbieri Subcommittee meeting. **Motion carried by voice vote.**

Chairman Loertscher turned over the gavel to **Vice Chairman Batt**.

Lane Allgood, Executive Director, Partnership for Science and Technology, made a presentation on the history and functions of the organization. He stated the organization was established in 2006 and is a non-profit, public interest organization that advocates for the advancement of science, energy, and technology. He stated the organization provides accurate and timely information on related topics. He said the Partnership for Science and Technology has also carried out the Atomic Committee of 1949's goals since its inception in 2006.

In response to committee questions, **Mr. Allgood** explained the Idaho National Laboratory (INL) is the leading laboratory in the country and has advanced test reactors, the ability to test fuels, and conducts cancer treatment research and development. He also stated Idaho would be a good candidate for a used fuel repository and the profits could help fund the education system.

Vice Chairman Batt turned over the gavel to **Chairman Loertscher**.

DOCKET NO. 11-0402-1301: **Frank Lamb**, Executive Director, Idaho Racing Commission, presented **Docket No. 11-0402-1301**. He stated the proposed Pending Rules are a result of the new statute, Section 54-2512A, Idaho Code, otherwise known as **H 220** which authorized Historical Horse Wagering in Idaho. He stated the Rules were necessary to regulate para-mutual wagering of Historical Horse Racing.

In response to committee questions, **Mr. Lamb** stated the hours of operation of the racing facilities are set by local principalities and therefore the Commission takes those rules into consideration. He gave a short explanation of how terminals for watching and wagering on Historical Horse Racing work. He also explained that "instant racing" was a term the Commission found that other states have been using to describe the para-mutual wagering. He also stated that "racinos" are different from para-mutual wagering in many ways. He said racinos have slot machines at the race track and casino style games, which Idaho does not. He explained that a terminal is just a way to transfer the information from the para-mutual system to the place wagerers. He explained that para-mutual wagering is on a carryover pooling system, which is common.

He stated the Commission has measures in place to ensure the terminals are not slot machines and that the Thorough Bred Racing Bureau (TBRB) monitors the historical racing all over the country. He explained that historical horse racing and live horse racing are both para-mutual wagering, but they are different in that the odds are not displayed on the terminal screen but a "will pay" amount for each race is displayed instead. He also stated there might be a way to program the terminals to show the entire race instead of giving the option to view only the last 100 yards of the race.

MOTION: **Rep. Packer** made a motion to approve **Docket No. 11-0402-1301**.

In support of the original motion, **Rep. Barbieri** stated that the Legislature passed a statute last session approving Historical Horse Racing and the Pending Rules are needed to ensure the statute is regulated.

SUBSTITUTE MOTION: **Rep. Crane** made a substitute motion to reject **Docket No. 11-0402-1301**. **Motion carried by voice vote.**

In support of the substitute motion, **Rep. Luker** stated he is hesitant to approve the Rules because giving the wagerers the option to only watch the last 100 yards of a race is similar to a slot machine. He also stated that there is an order for Les Bois Park to receive 200 more machines/terminals. He said there is also conflicting language in the definitions in the Pending Rules of what historical horse racing is that need to be addressed.

In support of the substitute motion, **Rep. Batt** stated she is concerned with the number of terminals because during last year's session the Legislature was told there would be 50 terminals and now the number is 200.

DOCKET NO. 11-0411-1301: **Frank Lamb**, Executive Director, Idaho Racing Commission, presented **Docket No. 11-0411-1301**. He stated the Pending Rules give the Commission the authority to dispense sanctions to assure the race horses are drug tested and disqualified if necessary.

In response to committee questions, **Mr. Lamb** stated there is an appeals process and it is protected by the Administrative Procedure Act.

MOTION: **Rep. Andrus** made a motion to approve **Docket No. 11-0411-1301**. **Motion carried by voice vote.**

Vice Chairman Batt introduced the Subcommittees to explain their review of the proposed Administrative Rules.

Rep. Monks reported the Monks Subcommittee reviewed the Pending Rules of the Idaho Public Utility Commission, **Docket No. 31-0101-1301**, and are recommended to be approved in their entirety. He stated the Pending Rules for the Secretary of State, **Docket No. 34-0601-1301**, were reviewed and are recommended to be approved in their entirety. He also indicated Pending Rules were reviewed from the Idaho State Lottery Commission, **Docket No. 52-0102-1301**, and are recommended to be approved in their entirety as well.

MOTION: **Rep. Monks** made a motion to approve the report of the Monks Subcommittee. **Motion carried by voice vote.**

Rep. Barbieri reported the Barbieri Subcommittee reviewed the Pending Rules of the Department of Administration, **Docket No. 38-0406-1301**, and **Docket No. 38-0408-1301**, and have been forwarded to the full committee without recommendation for review.

MOTION: **Rep. Barbieri** made a motion to approve the report of the Barbieri Subcommittee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:31 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, January 22, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22568</u>	Joint Resolution regarding Rulemaking Authority	Rep. Loertscher
<u>RS22422C1</u>	Horse racing provisions relating to fiscal year-end balance	Frank Lamb, Executive Director Idaho Racing Commission

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 22, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1)

GUESTS: Jack Lyman, Idaho Mining Association; Frank Lamb, Idaho Racing Commission; Ed Hawley, self; Teresa Baker, ISP; Colby Cameron, Sullivan and Reberger.

Vice Chairman Batt called the meeting to order at 8:59 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the January 20, 2014 meeting. **Motion carried by voice vote.**

RS 22568: **Chairman Loertscher** presented **RS 22568**, a proposed joint resolution to amend Article III of the Idaho Constitution to allow the Legislature to delegate rulemaking authority to executive agencies as provided by law. He stated Idaho's government is unique in that the Legislature has the duty and privilege to review the Administrative Rules every year and approve or reject those Rules.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22568**. **Motion carried by voice vote.**

RS 22422C1: **Frank Lamb**, Executive Director, Idaho Racing Commission, presented **RS 22422C1**, proposed legislation that raises the fiscal year-end balance of the Racing Commission account from \$400,000 to \$600,000. He responded to the question of stimulating purse money and explained that the extended amount of the fiscal year-end balance is to retain an adequate rainy day fund not to take away from the purse fund. He stated while the Les Bois Park was closed for two and a half racing seasons, the Commission struggled to regulate small track racing activity throughout the State. He stated the Commission nearly closed down due to the financial stress of the costs of regulation. He stated once the savings cap is reached the excess monies will go back into the industry in the form of purse money. He stated the requested \$600,000 is an amount estimated to cover expenses for temporary emergency periods and will go a long way in ensuring the Commission will continue to operate during a recession.

MOTION: **Rep. Packer** made a motion to introduce **RS 22422C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:15 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 27, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>SCR 132</u>	Judge Lodge honored	Senator Davis
DOCKET NO. <u>38-0406-1301</u>	Rules Governing Use of Exterior of State Property in the Capitol Mall and Other State Facilities	Teresa Luna, Director Department of Administration
Docket No. <u>38-0408-1301</u>	Rules Governing Use of State Capitol Exterior	Teresa Luna, Director Department of Administration

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 27, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Richard Eppink, ACLU; Dean Gunderson, self; Shavone Hasse, self; Monica Hopkins, ACLU; Julie Hart, Westerberg and Associates; Dennis Stevenson, Department of Administrative Rules; Roger Batt, Idaho Heartland Coalition; Cay Marquart, self; Ron Marquart, self; Eve Blackwell, self; Anne Hausrath, self.

Chairman Loertscher called the meeting to order at 9:01 a.m.

Chairman Loertscher turned the gavel over to **Vice Chairman Batt**.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 21, 2014 and January 22, 2014, 2014 meetings. **Motion carried by voice vote.**

DOCKET NOS. **Teresa Luna**, Director, Department of Administration, presented **Docket Nos. 38-0406-1301** and **38-0408-1301**. She requested that the Pending Rules be approved as written. She stated in the 2012 legislative session **H 693** was passed with an emergency clause directing the Department of Administration to promulgate three sets of Rules within thirty days, addressing the use of the Capitol exterior, interior of Capitol Mall buildings, and exterior of Capitol Mall property. The Rules were brought before the legislature in 2013. The Rules regarding the interior of the Capitol Mall building were approved at that time and have been in place for over a year now.

Ms. Luna stated the proposed Pending Rules dealing with the exterior of the Capitol building and the Capitol Mall properties were a result of changes the House and Senate State Affairs Committees requested last year. She stated the changes made are similar in nature between the two sections and contain specific definitions, uses, liability, and removal of some limitations. She stated some of the Rules adopted last year were challenged in federal court. The Court sided with the state on some issues and sided with the challengers on others. The state lost on the issues of a seven-day duration limit, the state event's exception, liability and indemnification, and Rules regarding fees and costs.

In response to committee questions, **Carl Withroe**, Deputy Attorney General, Department of Administration, explained the background of the legal case involving the current and Pending Administrative Rules. He stated the Court upheld many of the Pending Rules. He said the Rules implicate a vital role of the Department of Administration's ability and obligation to manage the properties for all Idahoans and to balance appropriate uses within the confines of many limitations, the First Amendment in particular.

Mr. Withroe stated the Department's Rules are entirely compatible to First Amendment rights. He stated Rules relating to Capitol Mall property do not need to yield to the unlimited exercise of all forms of expression, whenever and however one group of litigants wants. He reiterated that the Pending Rules were not crafted to limit speech, but to authorize the state's ability to manage its property as a land owner, which it does for all Idahoans. He stated that by approving the Rules as written, the Department's ability to appeal in the Ninth Circuit Court would be preserved.

Mr. Withroe also stated the prior Court decision validated the current Camping Rules. He said plaintiffs might try to appeal that issue and the state would then appeal the final decision. He said the state events Rule does not contemplate a situation where the Department will be in a position to favor or disfavor private speakers on the basis of content. The Rule speaks to state events that are initiated and controlled by a state agency or elected official and is therefore not discriminatory. He said the state events Rule is based on *Pleasant Valley City v. Summum*, which recognizes that when the government is the speaker, the First Amendment is not implicated and the government may choose what to say and how to say it.

Mr. Withroe stated the Rules regarding costs and fees are in no way based on limiting types of speech. He also said costs are limited to activities, which are quantifiable and may not exist in all circumstances. Any additional costs associated with events would be considered a pass-through so that taxpayers wouldn't be liable for those expenses. He stated the user is responsible for any damages to the property. He stated there are always competing uses for the Capitol Mall buildings and property and all uses must be balanced with scarce resources.

In closing, **Ms. Luna** stated the Department is enforcing the Rules in general but not those of which were found by the Court to be unconstitutional. She also stated the Rules the City of Boise imposes are much stricter than those of the Department.

Dean Gunderson, representing himself, stated he is opposed to the Pending Rules because they are unconstitutional and the Court has upheld that point. He stated there are many areas in the Rules that are too vague and need better definition.

Shavonne Hasse, representing herself, stated she is opposed to the Rules. She stated she will not obey the Rules or laws even if they are changed if they infringe on her First Amendment rights. She stated it was her moral obligation to disobey what she feels are unjust laws.

Monica Hopkins, Executive Director, ACLU, stated she is opposed to the Pending Rules that were deemed unconstitutional by the Court. She stated she does not agree that the state holds the position of a land owner/property management agency but is a representative of the State of Idaho who is to maintain the rights of the citizens of Idaho. She stated **Judge Winmill** gave suggestions in his Order on how the Rules may be changed. She stated she believes the Rules are onerous and an overreach of government power.

In response to committee questions, **Richard Eppink**, Legal Director, ACLU, stated the last day for plaintiffs to submit their partial summary judgment regarding the camping issue is February 14, 2014. He said that if the Rules were not approved and the state did file an appeal, the issue would be unclear and the issues would then be moot.

Eve Blackwell, representing herself, urged the committee to vote against the Pending Rules because they are unconstitutional.

Cay Marquart, representing herself, stated she was also representing her late father who was a Constitutional Judge and urged the committee to cease from pursuing any further action on the Rules that are unconstitutional.

Ann Hausrath, representing herself, requested the committee obtain accurate information regarding the current legal case and how much it has cost the state already. She also stated she believes the Pending Rules were crafted for one group of people but they will affect everyone in the state.

Vice Chairman Batt turned the gavel over to **Chairman Loertscher**.

In closing, **Ms. Luna** asked the committee to approve the Pending Rules as written to give the state the opportunity for an appeal.

Chairman Loertscher, with consent from the committee, asked for further information as discussed by committee members, prior to a vote on **Docket Nos. 38-0406-1301 and 38-0408-1301**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:59 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, January 28, 2014

SUBJECT	DESCRIPTION	PRESENTER
SCR 132	Judge Lodge honored	Senator Davis
RS22495	Freedom of religion	Rep. Luker
RS22446C1	Idaho Free Exercise of Religion Act	Rep. Luker

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 28, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Julie Lynde, Cornerstone Family Council; Amanda Crane, Government; Raeleen Welton, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:01 a.m.

RS 22495: **Rep. Luker** presented **RS 22495**, proposed legislation that prohibits government from denying or suspending any professional or occupational license or registration based upon actions involving the exercise or expression of sincerely held religious beliefs. He explained the history of the First Amendment to protect religious freedom and that the government shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. He stated there has been tension for over forty years between government mandates and the freedom to exercise religion. He said there have been multiple instances in which the government has dictated who religious organizations hire, as well as penalize people for their religious beliefs, putting their professional licenses at risk. He stated the proposed legislation does not pertain to employment issues. However, it does protect any individual who has a professional license or registration from having their license refused or revoked because of their religious beliefs. He stated the intent is to make it clear that the exercise of a person's religious beliefs is not unprofessional conduct. He also said there is similar legislation in Arizona.

In response to committee questions, **Rep. Luker** stated a person's religious belief is based on the definition in the dictionary and the exact verbage "sincerely held religious beliefs" is from Court decisions that discuss the issue. He also said persons whose religious beliefs are questionable will be called in to prove their sincerity. He stated the term "intentional infliction" is a clearly defined tort in the law.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 22495**. **Motion carried by voice vote.**

SCR 132: **Senator Davis** presented **SCR 132**, a concurrent resolution honoring the remarkable fifty years of service of **Judge Edward J. Lodge**. He stated Judge Lodge has a long history of public service working on behalf of the State of Idaho and the United States Court that he took very seriously. He said Judge Lodge is the longest-serving judge in Idaho's history and the longest-serving active Federal District Judge in the district of Idaho.

MOTION: **Rep. Batt** made a motion to send **SCR 132** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

RS 22446C1: **Rep. Luker** presented **RS 22446C1**, proposed legislation that amends the Idaho Free Exercise of Religion Act to make it applicable in any judicial action where the burdening of the exercise of religion is an issue when based upon government action, regardless of whether the government is a party to the action. He stated the intent of the proposed legislation is to restore the strict scrutiny standard which shows there is a compelling interest and therefore would apply whether the government is a party or if it is just between private parties.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 22446C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:37 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, January 29, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 368	Legislature/elected officers	Rep. Luker
H 380	Historical Horse Racing	Rep. Luker

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 29, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Jessica Harrison, ISBA; Raeleen Welton, CDA Racing; Jeremy Chou, Givens Pursley; Julie Hart, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:31 a.m.

H 368: **Rep. Luker** presented **H 368**, legislation that prevents legislators from serving in other public elected positions which exercise taxing or public spending authority. He stated there can be conflicts when an individual fills a position of dual-capacity. He said the issue is to effectively fill the responsibilities of both positions. He stated 25 of 47 states currently prohibit legislators from holding a second elected office. He gave an overview of all the states who restrict dual-office holding.

In response to committee questions, **Rep. Luker** stated there was an opinion entered by the Attorney General in 1991 stating the legislature may express its own opinion. He stated that as a citizen legislature the members are different depending on their occupation and can invoke Rule 38 when there is a possible conflict of interest. He explained that if a legislator is also a City Council member and a piece of legislation is proposed by the City Council, the legislator then has two groups of constituents, which creates a conflict. He stated that Rule 38 does not work in that aspect. The question of whether the legislator is representing a body of a Council or Board would conflict with the constituents needs or views. He also said there is no need for a constitutional amendment, a statutory change would work the same. He stated the legislature has the authority to make changes regarding inherent conflicts in which this is. He said that allowing other people the ability to fill the dual-positions brings more opportunity to others.

Jessica Harrison, representing the Idaho School Board Association (ISBA), stated she **is opposed** to **H 368** and has serious concerns that voters should be able to choose who represents them in the legislature. She stated in rural areas it is often difficult to find individuals who are qualified, readily available and willing to serve.

MOTION: **Rep. Andrus** made a motion to send **H 368** to the floor with a **DO PASS** recommendation.

In support of the motion, **Rep. Andrus** stated he has been a member of a school Board and feels it would have made him biased towards them if he served as both a Board member and a legislator. He stated there are always qualified people to fill the open positions.

Rep. Palmer stated he would **support** the motion because he feels the voters would also support it. He said there is definitely a conflict regarding dual-office holding. **Rep. Monks** stated he was **in support** of the motion because by opening up more positions to serve, more people can become involved. **Rep. Batt** stated she is **in support** of the motion because there has not been any opposition from any groups.

**SUBSTITUTE
MOTION:**

Rep. Anderson(1) made a substitute motion to **HOLD H 368** in committee.

In support of the substitute motion, **Rep. Anderson(1)** stated he sees issues in rural areas where it is difficult to find people to run for different positions. He stated the voters elect the legislators knowing they hold dual-offices in some instances. He said that allowing legislators to serve as other elected officials makes for well-rounded individuals. **Rep. Gannon** stated he was **in support** of the substitute motion because he believes it is an unnecessary restriction on the voters who decide the merits of who they elect to represent them.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. Crane made an amended substitute motion to send **H 368** to General Orders.

Rep. Anderson(1) stated he was **in support** of the amended substitute motion.

Rep. Luker expressed concern that there was no specific amendment language to debate or indication of how the bill would be changed, so why send it to General Orders.

**VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the amended substitute motion to send **H 368** to General Orders. **Motion failed by voice vote.**

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to **HOLD H 368** in committee. **Motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the original motion to send **H 368** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Anderson(1), Barbieri, Gannon, McMillan, Packer, Smith and Woodings** requested to be recorded as voting **NAY**. **Rep. Luker** will sponsor the bill on the floor.

H 380:

Rep. Luker presented **H 380**, legislation that formalizes current practice established under Administrative Rule to limit wagering on historic horse racing terminals to cash or cash vouchers, and to prohibit the use of debit or credit cards.

MOTION:

Rep. Packer made a motion to send **H 380** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting was adjourned at 10:25 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

JOINT
**HOUSE STATE AFFAIRS COMMITTEE
AND
SENATE STATE AFFAIRS COMMITTEE**
8:30 A.M.
WW02
Thursday, January 30, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Administrative Rules- Negotiated Rulemaking process	Dennis Stevenson, Office of Administrative Rules Michael Chakarun, Tax Policy Manager Idaho Tax Commission Curt Fransen, Director Idaho Department of Environmental Quality Sharon Kiefer, Deputy Director Idaho Department of Fish and Game Tamara Prisock, Rules Unit Idaho Department of Health and Welfare

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
JOINT MEETING
HOUSE STATE AFFAIRS COMMITTEE
SENATE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 30, 2014

TIME: 8:30 A.M.

PLACE: WW02

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

Chairman McKenzie, Senators Davis, Fulcher, Hill, Winder, Lodge, Siddoway, Stennett, Werk

**ABSENT/
EXCUSED:** Representative(s) Crane, Palmer. Senator(s) Fulcher, Hill, Siddoway.

GUESTS: Sharon Kiefer, IDFG; Elizabeth Criner, JR Simplot; Michael Chakrun, Idaho State Tax Commission; Elli Brown, Veritas Advisors; Raeleen Welton, ICOA; Tamara Prisock, DHW; Jack Lyman, Idaho Mining Association; Mary Symms-Pollot, Capitol Commission; W. Dallas Burkhalter, IDFG; Dennis Stevenson, Department of Administrative Rules; Bev Barr, DHW.

Chairman Loertscher called the meeting to order at 8:30 a.m.

Dennis Stevenson, Administrative Rules Coordinator, gave a short introduction of how the negotiated rulemaking process works. He stated the number of Rules that included negotiated rulemaking has grown every year. He said the current percentage of Pending Rules that were negotiated this year is around 28 percent of the total Rules proposed. He stated there are Rules that should not be negotiated because they are reflections of changes in State law.

Michael Chakarum, Tax Policy Manager, Idaho State Tax Commission, stated the Commission is committed to the negotiated rulemaking process. He said that in 2012 the Commission started negotiated rulemaking. He stated there are thirteen different tax types- most are property, income tax and sales tax. He said there are different committees for each section who have expertise in the subject. He said if a significant number of the public request a formal hearing, they do so. He stated the Commission follows the statutory requirements. He said they publish Rules in the bulletin, and send emails to prospectively affected parties so the public is notified of when the committees meet. He said they accept all forms of public input. He stated the committees start by drafting proposed Rules all of which are listed on the website. Then if the Rule has been agreed upon by the committee, it goes through the formal rulemaking process with the Commission. He said some committees take votes on Rules and some do not. Even if the consensus is not achieved, the committees can proceed with the Rules if they feel it is necessary. The Department's next step is to take public opinion and comments.

In response to committee questions, **Alan Dorfest**, Property Tax Rules Committee, Idaho State Tax Commission, stated his committee has the responsibility to work with counties and other parties who would administer the Rules set by the Commission. If there is a difference in opinion, the Commission relies on their Deputy Attorneys General to give input and advice regarding the Commission's rights and responsibilities. He stated the committees try to achieve as much consensus as possible to fit everyone's needs and make every attempt to resolve any issues.

In response to committee questions, **Mr. Chakarum** stated the intent of negotiated rulemaking is to extend the time frame for public comment which allows the public more participation. He said the Commission would benefit with an increase in funding and personnel.

Curt Fransen, Director, Idaho Department of Environmental Quality, gave an introduction of **Doug Connery**, Deputy Attorney General, and **Paula Wilson**, Paralegal and Rulemaking Coordinator. He stated the Department consults with their resident Deputy Attorneys General throughout the rulemaking process. He stated that for the past few years, negotiated rulemaking has been the default and majority of their rulemaking. He stated they follow federal regulations which are stricter than state regulations and all proposed Rules are posted on the website for the public. The webpage is updated as the rulemaking proceeds. The website also provides an opportunity for the public to receive automatic emails of each docket. He stated there is usually a minimum of one hearing per docket but there are usually more. He said the Department posts all public comments on the webpage and maintain various email lists to contact interested parties when in the negotiated rulemaking process. He said the Department provides information to anyone that wants to participate. They encourage participants to provide comments on the draft Rule language and consider all comments both oral and written received during negotiated rulemaking. He said there are limited circumstances in which the Department may proceed with formal rulemaking notwithstanding opposition from a portion of the public.

In response to committee questions, **Mr. Fransen** stated the Department changes the Rules almost every year and their email lists are inclusive, but allows the option for others to join.

Sharon Kiefer, Deputy Director, Department of Fish and Game, stated the Department generates a lot of Rules. She stated the Department is just beginning to deal with the negotiated rulemaking process. She said they are learning to integrate public comments into the negotiated rulemaking process. She stated they post all the information about the Rules on their website. She said the Department first starts with a draft Rule and notifies specific individuals, usually permit and/or license holders or association members, who would prospectively be affected by the Rules. Challenges come when the Rules affect interested parties who are not licensed, in that case the parties have to contact the Department via telephone or gather information from the website to obtain rulemaking information. She stated that according to the statutes, the Commission is not required to follow an agency's input on a Rule and that the Commission has the authority to proceed on a proposed Rule or with a different Rule without explanation, as outlined in the Administrative Procedures Act.

In response to committee questions, **Ms. Kiefer** stated the Department posts its draft Rule proposals and media releases on their website. She said they have a license population of around 300,000 people and so they have large email lists as well. However, they cannot reach out to all licensees.

Tamara Prisock, Rules Unit, Idaho Health and Welfare, stated the Department maintains 76 chapters in the Administrative Code, representing 70 programs. She said the Department conducts formal and informal negotiated rulemaking. She said the Department holds different types of informal rulemaking negotiations including meeting with task forces, advisory councils or committees, advocate or provider associations, via teleconference or video conferences. She stated the Department does not conduct rulemaking negotiations when there is no room for negotiations in a proposed rule. She said most of the Department's Rule changes are based on changes that are non-negotiable due to federal regulations and laws, grant guidelines, State statutes, cost containment, and health and safety requirements aimed to protect children, vulnerable adults and Idaho citizens. She said the Department has established formal stakeholder groups and have formal and informal negotiations and public hearings on specific Rule changes.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 10:14 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, February 03, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22667	Pledge of Allegiance	Rep. Holtzclaw
RS22682	Elections	Tim Hurst, Secretary of State
RS22684C1	Elections, initiative/referendum	Tim Hurst, Secretary of State
RS22519C1	State Sunshine Law	Tim Hurst, Secretary of State

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 03, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Raeleen Welton, Westerberg and Associates; Russell Westerberg, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the January 27th and 28th, 2014 meetings. **Motion carried by voice vote.**

RS 22667: **Rep. Holtzclaw** presented **RS 22667**, proposed joint resolution to commemorate the 60th anniversary of the addition of the phrase "Under God" to the Pledge of Allegiance, and to highlight its legacy to American citizens.

MOTION: **Rep. Batt** made a motion to introduce **RS 22667**. **Motion carried by voice vote.**

RS 22682: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 22682**, proposed legislation that addresses procedural issues in various sections of the Idaho Code that came to light when conducting elections for the various taxing districts. It clarifies ballot printing deadlines, who is responsible for notification of school zone changes and expands a county's ability to request a modification of election procedures from joint districts to include other small taxing districts. He stated the legislation would only affect 12 precincts which works well with joint districts.

In response to committee questions, **Mr. Hurst** stated main-in or early voting ballots are treated the same as absentee ballots.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22682**. **Motion carried by voice vote.**

RS 22684C1: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 22684C1**, proposed legislation that addresses procedural issues in the election laws of the State. It standardizes initiative and referendum procedures for city, county and state issues; authorizes the use of electronic poll books; prohibits judicial candidates from running for more than one seat at a single election; and removes conflict in language about an elector affiliating with a political party.

In response to committee questions, **Mr. Hurst** stated the change to 75 days is to be consistent with the recalls which is also 75 days.

MOTION: **Rep. Anderson(1)** made a motion to introduce **RS 22684C1**. **Motion carried by voice vote.**

RS 22519C1: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 22519C1**, proposed legislation that amends the Sunshine Law to more clearly define a "non-business entity" and the entity's reporting requirements and it prohibits contingent fee lobbying of executive officials.

MOTION: **Rep. Packer** made a motion to introduce **RS 22519C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:07 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, February 04, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22585</u>	County Records	Phil McGrane, Ada County Chief Deputy Clerk
<u>RS22688</u>	Repeal of prevention of execution or final judgment	Rep. Morse

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 04, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Troy Rohn, Boise State University; Raeleen Welton, Westerberg and Associates; Jack Lyman, Idaho Mining Association.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 29, 2014 meeting. **Motion carried by voice vote.**

RS 22555: **Phil McGrane**, Ada County Chief Deputy Clerk, presented **RS 22555**, proposed legislation to update county public records retention requirements to allow for the photographic or digital storage of records and the subsequent release or destruction of paper records. The language used mirrors the requirements for cities in Idaho Code § 50-909, with the exception of permanent records. This legislation allows for permanent records to be stored permanently in a digital or photographic medium and for paper records to be returned or destroyed, which is the current practice with other permanent records.

In response to committee questions, **Mr. McGrane** stated the language in the legislation reflects the current statutes which regulate the manner in which original paper documents are handled. He explained the County has multiple backup copies of the original documents in various locations so they are not lost and there are many standards currently in the statutes to protect them. He said most documents are scanned in as PDF documents and scanning equipment would be necessary. He stated compared to paying for extensive storage space to store the documents, scanning machines are less expensive. He said this legislation offers an option for counties, not a restriction. He stated the language mirrors the County statute, which would allow decisions to be made on a county by county basis. He said that all records are essentially public records by nature of the statute. He stated this legislation does not pertain to land records as the city and/or county do not keep those records, they return them to the owners and have done so since 2005. He stated the vast majority of original records prior to 2005 were first microfilmed and then destroyed as outlined in the statutes. He said the medium chosen for retention must meet the quality standards of the American National Standards Institute (ANSI). He stated the attorneys for the County advised to repeal the identified sections because it was the best approach.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22555**.

Rep. Barbieri spoke to the motion and stated he was concerned of the discretion issue to destroy documents and suggested it should be tightened up. **Chairman Loertscher** spoke to the motion and stated that reliance on electronic documents is limited.

Rep. Batt spoke to the motion and stated this type of digital document storage could be like Cloud storage and has a concern of why the standard before was so high only allowing the destruction of documents to be allowed by way of an order from the district court.

Rep. Packer spoke to the motion and stated she understands the need to cut costs but worries about accessing original copies that stand the chance of being digitally altered.

**SUBSTITUTE
MOTION:**

Rep. Packer made a substitute motion to return **RS 22555** to the sponsor. She stated the language should be tightened up.

In support of the original motion, **Rep. Anderson(1)** suggested the committee should have a bill hearing and can amend the language at that time. **In support** of the original motion, **Rep. Monks** suggested the sponsor use more specific rules and language and proceed cautiously.

**MOTION
WITHDRAWN:**

Rep. Packer withdrew her substitute motion to return **RS 22555** to the sponsor.

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the original motion to introduce **RS 22555**. **Motion carried by voice vote.**

RS 22688:

Rep. Morse presented **RS 22688**, proposed legislation that repeals provisions of state law preventing the garnishment, or execution of a final judgment against monies owed to an elected official of the State of Idaho. The bill repeals this privileged treatment and leaves all other aspects of the statute intact. The effect of this legislation is to treat all citizens of the State, the same.

In response to committee questions, **Rep. Morse** stated the original law was put into place sometime between 1937-1939. He stated a legislator's per-diems would not be subjected to this. He stated there is immunity for legislators during the session and the intent of the proposed legislation is to put legislators in the same standing as citizens.

MOTION:

Rep. Packer made a motion to introduce **RS 22688**.

Rep. Luker spoke to the motion and stated the language in the entire statute should be cleaned up. He suggested changing line 10, by adding the word "to" after "do" and insert the words "or against the state as applicable" after "person" on line 13. **Rep. Barbieri** spoke to the motion and stated the words "owing by" on line 9 is confusing and the whole statute needs to be cleaned up.

**SUBSTITUTE
MOTION:**

Rep. Barbieri made a substitute motion to return **RS 22688** to the sponsor.

Chairman Loertscher asked **Rep. Morse** to make the necessary changes and return to the committee at a later date with the changes.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:21 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 05, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 427	Religion, free exercise of	Rep. Luker

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 05, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 9:00 a.m.

H 427: **Rep. Luker** presented **H 427**, a bill that amends the Idaho Freedom Exercise of Religion Act to make it applicable in any judicial action where the burdening of the exercise of religion is an issue when based upon government action, regardless of whether the government is a party to the action.

In response to committee questions, **Rep. Luker** stated the intent of the bill is not to sort out issues between two parties but when the government is a party to the action. He stated the bill is consistent to laws that already exist. He explained this legislation creates a balancing test of the Fourteenth Amendment, and is used when the state has a compelling interest. He stated that if the city prosecutes the case, they can use the Religious Freedom Restoration Act (RFRA) of 1993 as a defense. He stated this legislation does not undue local city or county laws against discrimination it simply invokes the balancing test.

Diane Tipton, self; **Linda Crozier**, self; **Mistie Tolman**, self; spoke in opposition to **H 427**, stating it was offensive and unnecessary and opens the door for discrimination of members of the LBGT community.

MaryAnne Jordan, with the City of Boise, spoke in opposition to **H 427**. She stated the City has concerns that the city ordinances that were created in 2012 to prohibit discrimination would be void. She stated **H 427** codifies discrimination.

In response to committee questions, **Ms. Jordan** stated businesses are not coming to Idaho because of the fear of discrimination but she had no information of how many businesses decided against coming to the State. She also stated the legislation is left up to interpretation on what a person's religious beliefs are.

Brian Thom, Bishop, Episcopal Church of Idaho, representing the following and introduced **Karen Hernandez**, United Methodist Church of Boise; **Rev. Marc Shlegel**, Hyde Park Mennonite Fellowship; **Rabbi Dan Fink**, Congregation Ahavath Beth Israel; **Rev. Dana Worsnop**, Boise Unitarian Universalist Fellowship; **Lelilewa Teno Rikiho**, Amaraji Maha Marai Temple; **Mark Harris**, Amaraji Maha Marai Temple; **Edward Mahola**, Amaraji Maha Marai Temple; **Rev. Debbie Mallis**, Hillview United Methodist Interfaith Equality Coalition; **Jenny Wilson**, First United Methodist; **Sister Anayi Marie**; **MaryLou Young** and **Barbara Nixon**. He stated they are opposed to **H 427** because they feel the legislation would not allow religious freedom. He stated it would make one religion superior to another. He said we are free to choose our religious beliefs but we are not allowed to impose those

beliefs on others. He stated the legislation is unnecessary and has unintended consequences that prohibit religious freedom.

Kathleen Durkin, student at Boise High School, spoke **in opposition** to **H 427** and stated it is unnecessary due to the First Amendment rights of religious freedom. She stated people could be discriminated against if this legislation is passed.

Chase Hutchinson, student at Wood River High School, spoke **in opposition** to **H 427** and stated it is a threat to the system. He stated religious freedom is already protected. He asked the committee to support equality and nondiscrimination.

Julie Lynde, Cornerstone Family Council, spoke **in favor** of **H 427** and stated the legislation is a short technical update to the current Idaho Religious Freedom Act which was supported by both Republicans and Democrats. She stated RFRA protects all citizens. She said the current law only protects people when the government files suit but also between private parties. She stated this bill is a needed update to protect religious freedom for everyone. **Barry Peters**, Cornerstone Family Council, spoke **in favor** of **H 427** and stated RFRA has been on the books for 14 years and there has never been discrimination caused by it. He stated the bill extends our religious freedoms in the private civil arena as well. This bill ensures RFRA continues to protect the freedom of religion for the citizens of Idaho.

Susan Boyle, Integrity Idaho, spoke **in opposition** to **H 427** and stated the bill opens a Pandora's box of the freedom of religion that would abuse the freedom.

Lisa Strobes, representing herself, spoke **in opposition** to **H 427** and stated its important for the legislature to craft laws to protect citizens of Idaho. **Scott Nicholson**, representing himself, spoke **in opposition** to **H 427** and stated the language in the bill is unclear and will lead to more lawsuits. **Ben Earwicker**, representing himself, spoke **in opposition** to **H 427** and stated this bill provides legal cover for discrimination. He said the bill is unnecessary and the citizens have a right to religious freedom which is already protected by federal and state laws and this bill is not an extension of those laws. He stated freedom of religion is not a freedom to discriminate.

Dede Shelton, representing herself, spoke **in opposition** to **H 427** and stated she is worried the bill will affect school age children and people who provide emergency services. **Salem Djembe**, representing himself, spoke **in opposition** to **H 427** and stated the freedom to exercise his religion is important to him but not everyone agrees with his beliefs. He said the bill is a loose interpretation of the author's religious faith. He appealed to the committee to raise the bar on decency. **Patrick Metz**, representing himself, spoke **in opposition** to **H 427** and stated the bill will put him at risk of further discrimination for being other than heterosexual.

John Fritz, representing himself, spoke **in opposition** to **H 427** and stated the bill does not protect religious freedom. **Crispin Gravatt**, representing himself, spoke **in opposition** to **H 427** and stated the bill has unintended consequences of discrimination. **Ben Wilson**, representing himself, spoke **in opposition** to **H 427** and stated there are unintended economic consequences which make it hard for recruiters to attract people to Idaho for work. He said Idaho already has the lowest wages in the country and we need to bring higher paying jobs to Idaho. He said we can't because the theme in Idaho is that if someone is different, they are not welcome. He also stated the bill is a form of bigotry because it violates other city and county ordinances. **Zack Vass**, representing himself, spoke **in opposition** to **H 427** and stated this bill is upsetting for the refugee and immigrant population in Idaho who are doing their best to get by with existing barriers, such as language. He stated this bill will only affect their lives even more and only make things harder for them.

Paul Rolig, representing nonreligious voters, spoke **in opposition** to **H 427** and stated the entire section on special rights for religious freedom should be repealed. He stated all Idaho citizens have complete religious freedom anyway. **John McCristie**, representing himself, spoke **in opposition** to **H 427** and stated the language in the bill is overbroad and allows for discrimination actions to be held based on religion. He said the bill removes local control which currently protects everyone. **Emily Jackson-Edney**, representing herself, spoke **in opposition** to **H 427** and stated the bill is an ill-conceived, discriminatory bill. She stated the words are so broad that anyone could be discriminated against. She said that religious protection does not allow discrimination. She urged the committee to kill the bill.

Lauren Bramwell, representing herself, spoke **in opposition** to **H 427** and stated there are technical issues with the bill as well as unintended consequences. She stated the technical issues consist of adding private parties which brings a burden to corporations and businesses. She stated the compelling interests is a three-prong test which includes strict scrutiny, harmful for others who aren't related to the action and disabilities. She stated the unintended consequences are that people are held victim and there is possible justification for discrimination if the bill passes.

Melissa Wintrow, self; **Curtis Hagan**, self; **Anna McClain-Sims**, self; **Megan Carter**, self; **Alisha Klegg**, self; **Carlos Negrete**, self; spoke **in opposition** to **H 427**. **Hannah Campbell**, representing herself, spoke **in opposition** to **H 427** and stated she understood the right for religious freedom but it shouldn't be an excuse for hatred. She stated that members of the LGBT community are already discriminated against all the time.

Monica Hopkins, Executive Director, ACLU, spoke **in opposition** to **H 427** and stated the bill is costly, unnecessary, and makes Idaho a haven for religious discrimination. She stated this bill will grant private individuals the right to sue each other for differing religious beliefs. She said this could also affect employers in regards to individuals who use their religious beliefs to refuse to work. She stated the language in the bill is too broad and it aims a solution to a nonexistent problem. She said this bill opens a Pandora's box of issues regarding different religious beliefs.

Hanna Brass-Greer, Planned Parenthood, spoke **in opposition** to **H 427** and stated they support religious freedom not discrimination based on religious beliefs. She said Idaho is already covered by the Idaho Human Rights Act and this bill puts religious beliefs over a person's rights.

Paul Stark, General Counsel, Idaho Education Association, spoke **in opposition** to **H 427** and stated the Association supports freedom of religion but there is a deviation from the RFRA. He stated it may put teachers in a tough spot wherein they are held personally liable if they adhere to this bill.

In response to committee questions, **Mr. Stark** stated the Respondent Superior doctrine is regarding negligence as in- the employer is responsible for the actions of its employees. He stated the school districts would fall under this doctrine if this bill was passed and could cause issues which would not be covered by the insurance policies.

Mark Harris, representing himself, spoke **in opposition to H 427** and stated the bill is unnecessary and we are all human beings with the same rights. **Brianna Dyer**, representing herself, spoke **in opposition to H 427** and stated she did not want her rights infringed upon. She said the language is too broad and she does not want her religion to be a reason for someone to discriminate against others. **Tamara Johnson**, representing herself, spoke **in opposition to H 427** and stated Idaho already has laws in place to restrict religious discrimination. She said this bill opens up the door for discrimination because Idaho is a hub for immigration and with that comes diversity of religious beliefs which could bring unintended consequences. She stated the bill would divide communities in many ways.

Michael Reineek, representing himself, spoke **in opposition to H 427** and stated the language in the bill is too broad and will burden the courts with unnecessary cases which will push the State to religious anarchy. **Grant Olsen**, representing himself, spoke **in opposition to H 427** and stated he is worried this bill would allow service members to discriminate against others who do not share their beliefs.

Cody Hafer, representing himself, spoke **in opposition to H 427** and stated the bill discriminates against certain groups of people even though it might not be the intent.

Judy Cross, Interfaith Alliance of Idaho, spoke **in opposition to H 427** and stated she is committed to freedom of religious expression but does not support religious freedom becoming religious abuse. She stated the language is too ambiguous.

Laurie Annshaw, representing herself, spoke **in opposition to H 427** and stated there needs to be a separation of church and state. She stated in 2013, the United States Department of Census estimated 1,612,136 people in Idaho. The U.S. Religious Census published in May 2012, showed there was a 50% increase in Muslim faith, and that the Buddhist faith is the largest non-Christian group in Idaho. According to another survey, Idaho has a split population of religions stating 23% Mormon tradition, 22% Evangelical Protestant tradition, 18% Catholic tradition, 16% mainline Protestant tradition, 1% Jehovahs Witness tradition, less than 1/2% black Protestant tradition, less than 1/2% Orthodox tradition, less than 1/2% other Christian traditions, less than 1/2% Jewish tradition, less than 1/2% of Muslim tradition, less than 1/2% Buddhist tradition, less than 1/2% Hindu tradition, less than 1/2% other world religions, 2% claim other faiths, 18% claim unaffiliated, less than 1/2% don't know or refuse to state their faith. The entire population of non-Christian groups are equal to the amount of members of the Mormon tradition of 23%. She stated we need to foster peace within our communities and not hatred or discrimination.

Laurynda Williams, representing herself, spoke **in opposition to H 427** and stated the bill sets a bad example to the country regarding allowing discrimination. **Lisa Theobald**, representing herself, spoke **in opposition to H 427** and stated the bill is a moral issue and the reputation of Idaho is at stake. **Peter Mundt**, representing himself, spoke **in opposition to H 427** and stated his fear is the bill would undue the City Ordinance which protects against discrimination. He stated he thinks this bill will bring hate groups to Idaho. **Lisa Sanchez**, representing herself, spoke **in opposition to H 427** and stated she has found that religion has a strong impact on people in Idaho. She stated she has seen discrimination within the state on all levels and this bill creates hate in the state. She stated this bill does not unite people, it separates them.

Madelynn Lee Taylor, representing herself, spoke **in opposition to H 427** and stated she has been discriminated against by the Idaho Division of Veterans Services who refused to bury her and her partner in the veterans cemetery and this bill will add to that discrimination. **Pamela Chiarella**, representing herself, spoke **in opposition to H 427** and stated the bill is a repression under the cover of religious freedom. She said the bill is illegal and unconstitutional.

Rep. Luker was recognized to close testimony on **H 427**. He clarified that RFRA was never deemed unconstitutional by the Courts, the Courts said the language was too broad not that a RFRA was not allowed. He suggested the bill be sent to General Orders with the word "defensively" added on line 25. He said that will take care of any issues raised during this meeting in regards to discrimination. He stated it was never the intent of this bill to be used as a sword, but as a defense.

**ORIGINAL
MOTION:**

Rep. Barbieri made a motion to send **H 427** to General Orders. He stated he is a co-sponsor of the bill and agrees with the changes suggested.

**SUBSTITUTE
MOTION:**

Rep Anderson(1) made a substitute motion to **HOLD H 427** in committee.

Rep. Woodings spoke to the substitute motion and stated this bill could lead to discrimination. **Rep. Gannon** spoke to the substitute motion and stated the bill still has too many problems.

Rep. Crane spoke to the original motion and stated sending the bill to General Orders would give the opportunity to make necessary changes. **Rep. Batt** spoke to the original motion and stated it shows a lot from the sponsor to propose a solution to the problems identified.

**VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested on the substitute motion to **HOLD H 427** in committee. **Substitute motion failed, 5 AYE, 11 NAY. Voting in favor** of the substitute motion: **Reps. Anderson(1), Packer, Smith, Gannon, Woodings** **Voting in opposition** to the substitute motion: **Reps. Loertscher, Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks.**

**VOTE ON
ORIGINAL
MOTION:**

Roll call vote was requested on the original motion to send **H 427** to General Orders. **Original motion carried, 11 AYE, 5 NAY. Voting in favor** of the original motion: **Reps. Loertscher, Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks.** **Voting in opposition** to the original motion: **Reps. Anderson(1), Packer, Smith, Gannon, Woodings.** **Rep. Luker** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 12:38 p.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, February 06, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22785	Concealed weapons licenses	Rep. Youngblood
RS22758	EPA	Rep. Shepherd

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 06, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Troy Rohn, Volunteer for Rep. Woodings.

Chairman Loertscher called the meeting to order at 9:00 a.m.

RS 22785: **Rep. Youngblood** presented **RS 22785**, proposed legislation which removes special treatment for elected officials in regards to Second Amendment Rights and streamlines language defining when an unloaded or disassembled gun can be concealed in a vehicle, and clarifies the instances when a concealed weapon permit is necessary for carrying a concealed weapon. He stated the changes have been approved by a broad range of citizens and associations.

MOTION: **Rep. Packer** made a motion to introduce **RS 22785**.

In response to committee questions, **Rep. Youngblood** stated it takes two days of training for an enhanced concealed weapons permit and after the fees are paid, the license is usually issued in about 30 days. He stated he was unsure if concealed weapons permit holders' information was public record. He stated the new language is broad enough to include all law enforcement within the country.

Rep. Monks spoke in support of the motion.

Rep. Palmer stated the County Sheriffs can issue concealed weapon permits immediately with no waiting, if necessary.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to introduce **RS 22785**.
Motion carried by voice vote.

RS 22758: **Rep. Shepherd** presented **RS 22758**, proposed legislation to protect Idaho citizens from EPA regulations that are not authorized by the U.S. Constitution or that violate the Constitution's true meaning and intent.

In response to committee questions, **Rep. Shepherd** stated a bureaucracy had an agenda regarding what pollution is and instead of legislation drawn up by the people, EPA laws were imposed. This legislation would ensure all laws concerning the EPA be cleared by the people and their representatives. He stated this legislation will clear up conflicts law enforcement has with their oath to uphold the Idaho Constitution.

Rep. Gannon expressed concern with the constitutional problems the legislation might create.

Rep. Luker expressed concern about how the legislation protects businesses from the federal government imposing fines.

Rep. Monks stated he had concerns regarding the legality issues of the state versus federal mandates.

MOTION: **Rep. Crane** made a motion to introduce **RS 22758**.

Rep. Anderson(1) spoke to the motion and stated Idaho has already codified several of the EPA Rules and warned to be prepared.

Chairman Loertscher spoke to the motion and stated the proposed legislation will speak to the issues not already in the state codes.

**VOTE ON
MOTION:**

Chairman Loertscher called for a vote on the motion to introduce **RS 22758**.
Motion carried by voice vote.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, February 10, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22812	Joint Resolution regarding rulemaking authority	Chairman Loertscher
RS22636	Leg council/review committee	Rep. Shepherd
RS22791	Labor negotiations/executive session	Rep. Harris
RS22600	Elections	Rep. Erpelding
RS22795C1	Historical horse racing	Rep. Luker

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 10, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Troy Rohn, Volunteer for Rep. Woodings; Raeleen Welton, CDA Racing; Rob Shoplock, Professional Firefighters of Idaho; Shaun Laughlin, Professional Firefighters of Idaho; Grant Hamilton, Professional Firefighters of Idaho; Ryan Van Leuren, Idaho AFL-CID; Dennis Stevenson, Office of Administrative Rules; Jack Lyman, Idaho Mining Association; Julie Hart, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 30, 2014 and February 3, 2014 meetings. **Motion carried by voice vote.**

Chairman Loertscher turned over the gavel to **Vice Chairman Batt**.

RS 22812: **Rep. Loertscher** presented **RS 22812**, proposed joint resolution to amend Section III of the Constitution of the State of Idaho. The amendment empowers the legislature to delegate rulemaking authority to executive agencies and to approve or reject the Administrative Rules issued by those agencies.

In response to committee questions, **Rep. Loertscher** stated there has not been any negative input on the proposed legislation. He stated there are 70 co-sponsors.

MOTION: **Rep. Palmer** made a motion to introduce **RS 22812** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Loertscher** will sponsor the bill on the floor.

Vice Chairman Batt turned over the gavel to **Chairman Loertscher**.

RS 22636: **Rep. Shepherd** presented **RS 22636**, proposed legislation that authorizes the legislative council to appoint a committee to review laws, rules, regulations, mandates, oversights, judicial interpretations and other decisions coming from the federal government. The committee will review issues pertaining to the Legislative Oath and the Bill of Rights of the U.S. Constitution. The Oath requires legislators to "Support and defend the Constitution and the laws of the United States and the State of Idaho."

In response to committee questions, **Rep. Shepherd** stated the original author of the legislation was **Lee Baron**. He stated the committee will decide what to do after they review all of the information.

MOTION: **Rep. Andrus** made a motion to introduce **RS 22636**. **Motion carried by voice vote.**

RS 22791: **Rep. Harris** presented **RS 22791**, proposed legislation that require labor negotiations for public employees be conducted in open session.

In response to committee questions, **Rep. Harris** stated he believes this type of negotiation is public business. He stated the language was broadened to include all public employees not just those in education. He stated this issue is a violation of the spirit of the public meeting laws.

MOTION: **Rep. Monks** made a motion to introduce **RS 22791**. **Motion carried by voice vote.**

RS 22600: **Rep. Erpelding** presented **RS 22600**, proposed legislation which would modernize Idaho's ability to keep its citizens involved particularly those serving overseas, by creating a secure, streamlined, one-stop process for online voter registration.

In response to committee questions, **Rep. Erpelding** stated the proposed system of voter registration allowed online access with a valid Idaho drivers license or state issued identification card. He said it would be more secure than hand-written and mailed in versions. He stated not everyone would be able to use the online registration if they do not have a drivers license or state issued identification card. He said to streamline the use of voter registration with the DMV files is secure because it authenticates the signature of the person through the DMV files. He stated the estimated \$300,000 for fiscal impact came from conversations with the Idaho Transportation Department.

MOTION: **Rep. Packer** made a motion to introduce **RS 22600**.

In further response to committee questions, **Rep. Erpelding** stated the cutoff to register to vote is 24 days prior to election because of the time it takes to process the mailed in registrations. He said online registrations decrease the time it takes and adds ease to same day registrations. He said that 38,000 people in Ada County register the same day they vote. He stated the online system will increase the speed and efficiency of the process.

VOTE ON MOTION: **Chairman Loertscher** called for a vote to introduce **RS 22600**. **Motion carried by voice vote.** **Reps. Barbieri, Batt, Crane, McMillan, Palmer, Sims** requested that they be recorded as voting **NAY**.

RS 22795C1: **Rep. Luker** presented **RS 22795C1**, proposed legislation to formalize the current practice established under Administrative Rule to limit wagering on historic racing terminals to cash or cash vouchers.

MOTION: **Rep. Palmer** made a motion to introduce **RS 22795C1**.

Rep. Packer spoke to the motion stating she has a concern with the legislation because the issue has already been voted against on the House floor this year.

Rep. Barbieri spoke in support of the motion and stated he will be changing his vote from his original position. He stated it is important for the laws to be consistent.

Rep. Monks spoke in support of the motion and stated credit card companies in Idaho will sometimes dispute paying charges from gambling or wagering which could cause bigger issues in the state if credit cards and/or debit cards are used.

VOTE ON MOTION: **Chairman Loertscher** called for a vote to introduce **RS 22795C1**. **Motion carried by voice vote.** **Reps. Anderson(1) and Packer** requested that they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:20 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, February 11, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22781	Film/TV production film rebate	Rep. Henderson
RS22773C1	Education	Rep. Trujillo

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 11, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Rep. Batt

GUESTS: Troy Rohn, Volunteer for Rep. Woodings.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the February 4, 2014 meeting. **Motion carried by voice vote.**

RS 22781: **Rep. Henderson** presented **RS 22781**, proposed legislation amending a sunset clause which expires this year to extend a program that grows the media production industry in Idaho. The Department of Commerce utilizes the program as an economic stimulus and to develop a media industry workforce by providing a post production rebate on specific Idaho expenditures on qualified media production projects. Idaho is seeking to compete and build an industry in a global market. This legislation extends the current sunset clause for a few more years which would then end in 2020.

MOTION: **Rep. Anderson(1)** made a motion to introduce **RS 22781**. **Motion carried by voice vote.**

RS 22773C1: **Rep. Trujillo** presented **RS 22773C1**, proposed legislation to emphasize the right of parents as those rights relate to their children's education. While the legislature is charged with the task of establishing and maintaining a general uniform and thorough system of public schools, the legislature acknowledges and confirms the rights of parents as they relate to their children's education. She stated the Supreme Court continually supports the rights of parents as it is in the Due Process Clause of the Fourteenth Amendment.

In response to committee questions, **Rep. Trujillo** stated this legislation would not interfere with an 18 year-old's rights to their own education. She stated there are statutes that cover any issues with home schooling. She said that parents have rights under federal laws and this legislation does not interfere with local or federal laws. She stated they added the bio metric scan acknowledgment for parents because those scans being done without the parent's knowledge is a problem that could happen in the future.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 22773C1**.

**SUBSTITUTE
MOTION:** **Rep. Woodings** made a substitute motion to return **RS 22773C1** to the sponsor. She spoke to the motion stating the language concerning parents being notified of investigations in the school was too broad.

Rep. Gannon spoke to the substitute motion and stated he thinks the legislation would conflict with education laws.

Rep. Crane spoke to the motion and stated the Speaker's intent is to send the legislation to the Education Committee.

Rep. Barbieri spoke to the motion and stated the language is not too broad, that no investigation concerning children should be kept a secret from the parents.

**SUBSTITUTE
MOTION
WITHDRAWAL:**

Rep. Woodings withdrew her substitute motion to return **RS 22773C1** to the sponsor.

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the original motion to introduce **RS 22773C1**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:01 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 12, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22649	Health Insurance Exchange Act, repealed	Rep. Barrett
RS22848	Elections	Tim Hurst
H 400	Horse racing	Frank Lamb

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 12, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Julie Taylor, Blue Cross; Teresa Baker, Idaho Racing Commission/ISP; Frank Lamb, Idaho Racing Commission; Julie Hart, Westerberg and Associates; Russell Westerberg, Westerberg and Associates; Peggy Story Idragan, CDA and Boise Idaho.

Vice Chairman Batt called the meeting to order at 9:00 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the February 6, 2014 meeting. **Motion carried by voice vote.**

RS 22649: **Rep. Barrett**, presented **RS 22649**, proposed legislation to repeal Chapter 61, Title 41, Idaho Code relating to the Idaho Health Insurance Exchange.

MOTION: **Rep. Palmer** made a motion to introduce **RS 22649**.
Rep. Anderson(1) spoke to the motion and stated the legislation was the same as **H 418** that is currently in the Ways and Means Committee.

In response to committee questions, **Rep. Barrett** stated this legislation was basically the same bill, no significant changes were made.

SUBSTITUTE MOTION: **Rep. Anderson(1)** made a motion to return **RS 22649** to the sponsor. He spoke to the motion and stated he is the Chairman of the Ways and Means Committee and no one has approached him for a hearing on **H 418**.

AMENDED SUBSTITUTE MOTION: **Rep. Luker** made an amended substitute motion to **HOLD RS 22679** in committee for time certain, a period of one week.

Rep. Anderson spoke in favor of the amended substitute motion.

VOTE ON AMENDED SUBSTITUTE MOTION: **Vice Chairman Batt** called for a vote on the amended substitute motion to **HOLD RS 22649** for time certain, a period of one week. **Motion carried by voice vote.**

RS 22848: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 22848**, proposed legislation that addresses procedural issues in the election laws of the State. It clarifies who is responsible for carrying out certain duties regarding initiative and referendum procedures for city, county and state issues, authorizes the use of electronic poll books, prohibits judicial candidates from running for more than one seat at a single election, and removes conflict in language about an elector affiliating with a political party. He stated this legislation will replace **H 444**.

In response to committee questions, **Mr. Hurst** stated there was a conflict with the statute in regards to changing a person's party affiliation and this legislation fixes that issue.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22848**. **Motion carried by voice vote. Rep. Barbieri, Crane, Holtzclaw, McMillan, and Sims** requested to be recorded as voting **NAY**.

H 400: **Frank Lamb**, Executive Director, Idaho Racing Commission, presented **H 400**, legislation that increases the fiscal year-end balance of the Racing Commission from \$400,000 to \$600,000. He stated there have been issues in the past with testing contestants and the Commission does not operate with General Fund money, they are self-funded.

In response to committee questions, **Mr. Lamb** stated the Commission calculated that it would cost \$800,000 to operate for two years. He stated the Commission reduced that amount to \$600,000 due to the Committee's concerns.

MOTION: **Rep. Packer** made a motion to send **H 400** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Andrus and Crane** requested being recorded as voting **NAY**. **Rep. Packer** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:26 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, February 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22738</u>	Unclaimed property, escheatment notice	Debbie Betzold, State Treasurer's Office, Unclaimed Property Division
<u>RS22846</u>	Court technology fund and fees	Patti Tobias, Administrative Director, Idaho Supreme Court
<u>RS22688</u>	Property	Rep. Morse
<u>RS22858</u>	Biometric Data Protection Act	Rep. Morse

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 13, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Anderson(1)

GUESTS: Patti Tobias, Idaho Courts; Russell Westerberg, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:00 a.m.

Chairman Loertscher gave recognition to the House Page, **Austin Sheffey**, thanking him for his exemplary services over the past six weeks.

RS 22738: **Debbie Betzold**, Operations' Specialist, State Treasure's Office, Unclaimed Property Division, presented **RS 22738**, proposed legislation to clarify that the Unclaimed Property Program (UCP) can conduct outreach and education to connect Idahoans with their lost property. The legislation also makes technical clarification concerning the notice of escheatment.

In response to committee questions, **Ms. Betzold** stated there is no fiscal impact because the cost is already built into the current budget and the Treasurer's Office just wants to add this necessary clarification in order to carry that out.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22738**. **Motion carried by voice vote.**

RS 22846: **Patti Tobias**, Administrative Director, Idaho Courts, presented **RS 22846**, proposed legislation to provide necessary support for the implementation of a new technology solution for Idaho Courts. The judiciary's ISTARs system is nearly at "end of life" and must be replaced. The new Odyssey system will modernize case management and enable the adoption of more effective business practices. Access to the courts and court records will also be greatly improved through the use of electronic filing, electronic storage of records, and video-conferencing.

Ms. Tobias stated an increase in filing fees in civil cases, along with multiple one-time General Fund appropriations, will provide the funding for this transition. After analysis and consultation with the bar, court users, legislators and others, the consensus is to seek a graduated set of filing fees in civil cases. Accordingly, the bill provides for the following increases: for cases filed in the district court, an increase of \$125; for cases filed in the magistrate division, an increase of \$70; and for appearances filed by defendants in either the district court or the magistrate division, an increase of \$70. A \$20 fee will be added for a few types of filings for which no technology fee is currently charged. Other filings for which no technology fee is being charged shall remain exempt from such fees. The ISTARs Technology Fund will be renamed the Court Technology Fund. The bill will also require the Supreme Court to make an annual report to the Governor and the Legislature on the status of the Court Technology Fund, the enhancement of court technology, and savings and efficiencies resulting from the use of that technology.

In response to committee questions, **Ms. Tobias** said it is estimated that revenues received by the Court Technology Fund would be increased by approximately \$5,466,000 annually. These funds will be expended pursuant to legislative appropriations to fund the Court's technology solutions. She stated the ISTARS system handles over 500,000 new cases annually. She stated there is a three-year implementation plan in regards to changing over to the new system. She stated Twin Falls County will be the first city to try out the new program, then Ada County. She stated this will occur within a three year period. She stated the current ISTARS program costs approximately 3.2 million dollars and the monies are in a dedicated fund to keep it running. She stated there is a five-year business plan that includes the break-down of costs associated with implementing the new program. She stated the Court's technology is funded through JFAC as well as other ways. She also stated Idaho has some of the lowest court fees in the nation, even with the proposed increases. She stated the ISTARS program was initiated in 1997 and the only other increase in funds for court technology was in 2006.

MOTION: **Rep. Packer** made a motion to introduce **RS 22846**.

Rep. Palmer spoke to the motion and stated he thinks it is too much money and doesn't see how the Courts would be saving money. **Rep. Barbieri** spoke to the motion and stated he is concerned with the fiscal note and the increase in fees because there is no sunset clause.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to introduce **RS 22846**. **Motion carried by voice vote.** **Rep. Palmer** requested to be recorded as voting **NAY**.

RS 22688: **Rep. Morse** presented **RS 22688**, proposed legislation which repeals provisions of state law preventing the garnishment or execution of a final judgment against monies owed to an elected official of the State of Idaho. The bill repeals this privileged treatment and leaves all other aspects of the statute intact. The effect of this legislation is to treat all citizens of the state the same.

In response to committee questions, **Rep. Morse** stated the original law was adopted in 1937 or 1939. He said he could not find any information on intent of the law in any of the records concerning the law.

MOTION: **Rep. Gannon** made a motion to introduce **RS 22688**. **Motion carried by voice vote.** **Reps. Barbieri and McMillan** requested to be recorded as voting **NAY**.

Rep. Monks spoke to the motion and stated he supported the idea of legislation not giving special privileges to elected officials. **Rep. Luker** spoke to the motion and stated he is confused by the existing language of the statute but that he agreed with the legislation's intent.

Rep. Barbieri spoke to the motion and stated the statute is convoluted and needs to be completely reworded.

RS 22858: **Rep. Morse** presented **RS 22858**, proposed legislation that establishes privacy standards for, and definitions of biometric data collected by private entities. Some private businesses are obtaining, analyzing, and transferring private biometric information. This bill requires safeguards for data that is collected, by requiring written notice to the subject, and obtaining written consent to collect such data. It informs the subject of the specific purpose of the data collection. No private entity may sell, trade, or transfer or profit from the transfer of private biometric data. No private entity may disclose or copy, transfer or profit from the transfer of private biometric data unless the subject consents to the disclosure, and such information is necessary for a contractual transaction, is required by law, or is required by a warrant.

He also stated that under this legislation, a private entity in possession of private biometric data must store the data securely by employing a reasonable standard of care. The bill further provides for a right of action for damages in the event of breach of these protections for a minimum of \$1,000 or actual damages, plus reasonable attorney's fees and costs. This act does not apply to the admission of evidence in Court, nor the storage or retention of medical records mandated by any state or federal law.

In response to committee questions, **Rep. Morse** stated the legislation is intended to reach technology of companies that are aggregating data, such as payday loan companies, big-box stores, places that scan DNA, and other biometric data. He stated the legislation makes certain a trade of selling such data is not developed. The legislation clearly draws the line in the commercial arena. He stated the language is taken from statutes in Illinois and Pennsylvania.

MOTION: **Rep. Luker** made a motion to introduce **RS 22858. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:56 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, February 17, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22907</u>	Food Safety Modernization Act	Rep. Dayley
<u>RS22883</u>	Concealed weapons licenses	Rep. Youngblood
<u>RS22874</u>	Beer sample tasting	Rep. Eskridge
<u>RS22856</u>	Unfair Sales Act	Rep. Monks

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 17, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Crane

GUESTS: Russell Westerberg, Westerberg and Associates; Raeleen Welton, Westerberg and Associates.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the February 5, 2014 meeting. **Motion carried by voice vote.**

RS 22907: **Rep. Dayley** presented **RS 22907**, a joint memorial that expresses the Idaho Legislature's opposition to the proposed Food and Drug Administration (FDA) Rules and requests that the Congress of the United States prohibit the FDA from adopting the Proposed Rules including any numerical water quality standards for irrigation water, Transportation Rules and any future FSMA Rules until a clear understanding of their impact can be determined. He stated Idaho does not want those standards to be put in place until the federal government can give a clear understanding of the parameters. He stated the Food Safety Modernization Act (FSMA) was signed into law in 2011. The proposed FDA Rule for FSMA would have a devastating impact on Idaho agriculture. Compliance with the Water Quality Rules would be impossible or impractical throughout much of Idaho including an FDA estimated cost of \$30,566 first-year cost per farm. Also, the proposed Transportation Rules would be difficult and costly to Idaho business.

MOTION: **Rep. Batt** made a motion to introduce **RS 22907**. **Motion carried by voice vote.**
Rep. Barbieri spoke to the motion and stated the language in the fiscal note needs to be cleaned up.

RS 22883: **Rep. Youngblood** presented **RS 22883**, proposed legislation that replaces **H 472**, and stated a change was made in Section 9 which clarifies when a concealed weapons permit is needed when carrying a concealed weapon in a motor vehicle.

MOTION: **Rep. Packer** made a motion to introduce **RS 22883**. **Motion carried by voice vote.** **Rep. Barbieri** requested to be recorded as voting **NAY**.

RS 22874: **Rep. Eskridge** presented **RS 22874**, proposed legislation that sets requirements and limitations for beer tasting events on premises not licensed for the sale of beer by the individual glass or opened bottle. It provides the limit for a sample size of beer and requires a specific area of a design that the tasting sponsor can observe and ensure no minors or intoxicated persons are served. This legislation verifies and clarifies that beer tasting events are a very important aspect of the industry and will align beer tasting events with the current Idaho statute authorizing wine tasting events.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22874**. **Motion carried by voice vote.**

RS 22856: **Rep. Monks** presented **RS 22856**, proposed legislation to repeal the Unfair Sales Act, Chapter 4, Title 48, Idaho Code. The Act originally became law in 1939, and, with limited exceptions, prohibits merchandise from being advertised or sold below cost. The social and economic circumstances which previously motivated this law no longer exist. Today it is common for merchandisers to offer their wares below cost as an inducement to patronize the merchandiser and purchase other goods. Although the law is generally not enforced, its violation is a misdemeanor carrying fines and jail time. Rather than run the risk of arbitrary and capricious enforcement, the law should be repealed.

In response to committee questions, **Rep. Monks** stated the Attorney General's office advised that the law is not currently being enforced. He stated there are federal anti-dumping laws that discourage predatory price reductions. He stated during the time the original law was passed, there were a lot of anti-monopoly laws put into place. He stated this legislation only concerns the state Unfair Sales Act.

MOTION: **Rep. Anderson(1)** made a motion to introduce **RS 22856**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:55 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, February 18, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>Docket No. 38-0406-1301</u>	Rules governing use of exterior of State property in the Capitol Mall and other State facilities	Teresa Luna, Director, Department of Administration
<u>Docket No. 38-0408-1301</u>	Rules governing use of State Capitol exterior	Teresa Luna, Director, Department of Administration
<u>RS22735</u>	Beer, Brewer financial interest	Jeremy Pisca, Idaho Beer and Wine Distributors
<u>HCR 38</u>	Pledge of Allegiance	Rep. Holtzclaw
<u>RS22914</u>	Motor Voter Act	Rep. Woodings

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 18, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Crane

GUESTS: Russell Westerberg, Westerberg and Associates; Raeleen Welton, Westerberg and Associates; Jeremy Pisca, Idaho Beer and Wine Association; Monica Hopkins, ACLU.

Chairman Loertscher called the meeting to order at 9:00 a.m.

Chairman Loertscher called for a vote on **Docket No. 38-0406-1301**, Rules governing use of exterior of State property in the Capitol Mall and other State facilities.

MOTION: **Vice Chair Batt** made a motion to recommend approval of **Docket No. 38-0406-1301** with the exception of Section 201, in its entirety; codified final rule Section 200, subsection .03; and codified final rule Section 400, subsections 01. and .03. **Motion carried by voice vote.**

Chairman Loertscher called for a vote on **Docket No. 38-0408-1301**, Rules governing use of State Capitol exterior.

MOTION: **Vice Chair Batt** made a motion to recommend approval of **Docket No. 38-0408-1301** with the exception of Section 201, in its entirety; codified final rule Section 200, subsection .03; codified final rule Section 400, subsection .07; and codified final rule Section 500, subsections .01 and .03. **Motion carried by voice vote.**

RS 22735: **Jeremy Pisca**, Executive Director of Idaho Beer and Wine Association, presented **RS 22735**, proposed legislation to codify the independence between the manufacturing tier and the distribution tier by declaring that a brewery/manufacturer, with limited exceptions, cannot have a financial interest in a distributor and that a distributor cannot have a financial interest in a brewery. Currently, Idaho does not have any "brewery-owned branches" nor distributor-owned breweries. He stated beer products are regulated by and distributed through a three-tier system. The three-tier system is designed to keep the manufacturing tier independent from the distribution tier and each of those tiers independent from the retail tier. The three-tier system of regulation helps ensure that none of the tiers are unduly influenced by the others in the marketing of beer products.

MOTION: **Rep. Smith** made a motion to introduce **RS 22735**. **Motion carried by voice vote.**

HCR 38: **Rep. Holtzclaw** presented **HCR 38**, a concurrent resolution to commemorate the 60th anniversary of the addition of the phrase "under God" to the Pledge of Allegiance, and to highlight its legacy to American citizens. He stated the pledge came about in 1892 which was written to commemorate the 400th year of America's creation.

MOTION: **Rep. Packer** made a motion to send **HCR 38** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

RS 22914: **Rep. Woodings** presented **RS 22914**, proposed legislation referred to as The Motor Voter Act that will allow eligible electors to register to vote at the same time that they apply for or renew a driver's license or state issued identification.

In response to committee questions, **Rep. Woodings** stated there should be no additional cost. She said there might be a nominal cost for the mailings. The cost will be to the counties not the Secretary of State's office. She said this would only allow voter registration to go one way through the Department of Motor Vehicles not dealing with address changes for drivers licenses through the Secretary of State's office. She stated this legislation is about adding convenience for the public. She stated this is a voluntary addition, not a requirement.

MOTION: **Rep. Anderson(1)** made a motion to introduce **RS 22914**.

Rep. Luker spoke to the motion and stated he is concerned with the fiscal impact being correct.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to introduce **RS 22914**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:22 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 19, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 443	Elections	Tim Hurst, Chief Clerk, Secretary of State
H 445	State Sunshine Law	Tim Hurst, Chief Clerk, Secretary of State
H 502	Elections	Tim Hurst, Chief Clerk, Secretary of State
RS22649	Health Insurance Act repealed	Rep. Barrett
RS22699	House Resolution 231, support encouraged	Rep. Youngblood

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 19, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Packer

GUESTS: Karen Echeverria, ISBA; Caitlin Rusche, IAC; Russell Westerberg, Westerberg and Associates.

MOTION: **Chairman Loertscher** called the meeting to order at 9:00 a.m.

Rep. Woodings made a motion to approve the minutes of the February 10, 2014, meeting. **Motion carried by voice vote.**

Chairman Loertscher explained to the committee that in a previous meeting held on February 12, 2014, a vote on a motion to **HOLD RS 22649** in committee was done out of order. He stated the committee would need to re-vote on the legislation.

Rep. Anderson(1) spoke in favor of the original motion to introduce **RS 22649**.

**AMENDED
SUBSTITUTE
MOTION:** **Rep. Sims** made an amended substitute motion to introduce **RS 22649** and recommend it be sent directly to the Second Reading Calendar.

Rep. Anderson(1) spoke in opposition to the amended substitute motion.

**ROLL CALL
VOTE:** Roll call vote was requested on the amended substitute motion to introduce **RS 22649** and recommend it be sent directly to the Second Reading Calendar. **Amended substitute motion failed, by a vote of 7 AYE, 8 NAY, 1 Absent or Excused. Voting in favor of the amended substitute motion: Reps. Andrus, Crane, Sims, Barbieri, Holtzclaw, McMillan, and Monks. Voting in opposition to the amended substitute motion: Reps. Loertscher, Batt, Anderson(1), Luker, Palmer, Smith, Gannon, Woodings. Rep. Packer was absent..**

**SUBSTITUTE
MOTION
WITHDRAWN:** **Rep. Anderson(1)** withdrew his substitute motion to return **RS 22649** to the sponsor.

**VOTE ON
ORIGINAL
MOTION:** **Chairman Loertscher** called for a vote on the original motion to introduce **RS 22649**. **Motion carried by voice vote.**

H 443: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 443**, legislation that addresses procedure issues in various sections of the Idaho Code that came to light when conducting elections for the various taxing districts. It clarifies ballot printing deadlines, who is responsible for notification of school zone changes, and expands a county's ability to request a modification of election procedures from joint districts to include other small taxing districts.

MOTION: **Rep. Woodings** made a motion to send **H 443** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Woodings** will sponsor the bill on the floor.

H 445: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 445**, legislation that amends the Sunshine Law to more clearly define a "non-business entity" and the entity's reporting requirements and prohibits contingent fee lobbying of executive officials.

In response to committee questions, **Mr. Hurst** stated entities with exemptions for federal filing have been ongoing since 1974. He stated the reason for this legislation is for the Sunshine Law to coincide with the statute.

Brian Kane, Deputy Attorney General, Secretary of State, responded to committee questions and stated the FEC regulations only apply to federal elections and state elections are regulated by state laws. He said those should be self-regulating. He said the statement for entities to file is a general statement that shows who is participating in the elections. He stated the goal of the bill is to provide clarity.

MOTION: **Rep. Luker** made a motion to send **H 445** to General Orders with an amendment as follows: Remove additions on lines 12-14 on page 5. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

H 502: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 502**, legislation that addresses procedural issues in the election laws of the State. It clarifies who is responsible for carrying out certain duties regarding initiative and referendum procedures for city, county and state issues, authorizes the use of electronic poll books, prohibits judicial candidates from running for more than one seat at a single election and removes conflict in language regarding an elector affiliating with a political party. He stated to change a party affiliation you must fill out a form and in Section 34-411A, it states an absentee ballot can be used. He said the bill fixes the statute so the language will no longer be contradictory. He said the biggest advantage to the election poll books is the ease in identifying which ballots the voters should receive and the ability to upload voter history directly into the voting database. It's also a benefit to counties.

In response to committee questions, **Mr. Hurst** stated electronic poll books are an option to the counties and it cost \$875.00 for an electronic poll but some counties use laptop computers. He stated the process of absentee ballots is not being changed. He said a voter cannot change their party affiliation after the close of filing and that is already in statute. He stated the county clerk cannot issue a ballot without knowing what party a voter is affiliated with. He stated the main reason for the legislation is to make it easier for the voter.

MOTION: **Rep. Palmer** made a motion to **HOLD H 502** in committee. **Motion carried by voice vote.** **Reps. Gannon, Smith and Woodings** requested that they be recorded as voting **NAY**.

RS 22699: **Rep. Youngblood** presented **RS 22699**, proposed legislation that urges federal legislation in support of making members in the American service who have gone missing a top priority of our government. **House Resolution 231** in the U.S. Congress seeks to establish a Select Committee on POW and MIA affairs, charged with conducting a full investigation of all unresolved matters relating to any United States personnel unaccounted for out of foreign conflict. Currently, the matter sits before the U.S. House Rules Committee. Because Idaho supports our military personnel, especially those who have not been able to return home, such as Idaho's **Sgt. Bowe Bergdahl**, this resolution encourages the U.S. House Rules Committee to move the matter on to consideration of the entire U.S. House of Representatives.

Chairman Loertscher called a recess of the committee.

Chairman Loertscher reconvened the meeting.

RS 22699: **Rep. Youngblood** asked that the proposed legislation be returned to sponsor for additional changes.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:16 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Thursday, February 20, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>RS22610</u>	Administrative Rules	Rep. Loertscher
<u>RS22799</u>	Alcoholic Beverages	Roy Eiguren
<u>RS22925</u>	Public Defense Act	Rep. Bolz
<u>RS22876</u>	Concurrent Resolution regarding House and Senate Transportation and Defense Committee	Rep. Palmer

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 20, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1), Crane

GUESTS: Dennis Stevenson, Office of Administrative Rules; Jeff Anderson, Idaho State Liquor Division; Holly Koole, IPAA; Raeleen Welton, ILBA; Julie Hart, Westerberg and Association; Dan Chadwick, Idaho Association of Counties.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of February 11 and 12, 2014. **Motion carried by voice vote.**

RS 22610: **Chairman Loertscher** presented **RS 22610**, proposed legislation that deletes the terms "amend" and "modify" and provisions related to those terms from the Administrative Procedure Act. The inclusion of these terms violates the principle of separation of powers between the executive and the legislative branches.

MOTION: **Rep. Sims** made a motion to introduce **RS 22610**. **Motion carried by voice vote.**

RS 22799: **Roy Eiguren**, Northwest Grocery Association, presented **RS 22799**, proposed legislation that deletes the requirement for retailers to immediately pay distributors the full wholesale purchase of such products and allow a distributor to offer credit terms to a retailer. He explained that Idaho law does not currently allow a distributor of beer and wine to extend credit to beer and wine retailers, such as grocery stores or restaurants.

In response to committee questions, **Mr. Eiguren** stated the last time there were changes to this agreement was three years ago.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22799**. **Motion carried by voice vote.**

RS 22925: **Rep. Bolz** presented **RS 22925**, proposed legislation to provide for the establishment of a State Public Defender Commission. The legislation would establish the Commission, outline the powers and duties of the Commission, establish the parameters for the establishments of Public Defense in Idaho counties, and revises Idaho Code, Section 19-860, in regards to term, compensation, appointment, and qualifications of public defenders. He stated the legislation was a result of the Public Defender Reform Interim Committee which was followed by three years of study by subcommittee of the Idaho Criminal Justice Commission.

MOTION: **Rep. Packer** made a motion to introduce **RS 22925**. **Motion carried by voice vote.** **Rep. Bolz** will sponsor the bill on the floor.

RS 22876: **Rep. Palmer** presented **RS 22876**, a Concurrent Resolution that affirms the House Transportation and Defense Committee and the Senate Transportation Committee have both rejected identical sections of the Idaho Transportation Department's Administrative Rule, **Docket No. 39-0350-1301**, Rules Governing Safety Rest Areas.

MOTION: **Rep. Monks** made a motion to introduce **RS 22876** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 24, 2014

SUBJECT	DESCRIPTION	PRESENTER
H 487	Labor negotiations/executive session	Rep. Harris
H 508	Unclaimed property/escheatment notice	Debbie Betzold, State Treasurer's Office, Unclaimed Property Division

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 24, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1)

GUESTS: Cozette Walters, State Treasurer's Office; Rob Shoplock, Professional Firefighters of Idaho; Maryanne Jordan, City of Boise; Shaun Laughlin, Professional Firefighters of Idaho; Wayne Hoffman, Idaho Freedom Foundation; Amber Renee City of Boise.

Chairman Loertscher called the meeting to order at 9:00 a.m.

H 487: **Rep. Harris** presented **H 487**, a bill that requires labor negotiations for public employees be conducted in open session. He stated provision currently allows either side to request closed meetings regarding labor negotiations to be held in executive sessions.

Chairman Loertscher turned the gavel over to **Vice Chairman Batt**.

In response to committee questions, **Rep. Harris** stated open sessions are important because public service employees' benefits and wages are the public's business.

Rob Shoplock, Professional Firefighters of Idaho, stated he **is opposed** to **H 487** because by making labor negotiations for public employees public, it puts the personal lives of employees such as firefighters on the frontline for the media to take personal information and make it public. He stated labor negotiations are not enjoyable but are worked through carefully by both sides. He stated that the actual voting on public employee benefits and wages is public but negotiations are not. He said they should keep to the current practice of private negotiations.

Maryanne Jordan, President, Boise City Council, stated she **is opposed** to **H 487** because there is no problem with the way labor negotiations are currently handled. She stated there has not been a problem in eleven years. She said labor negotiations are personal matters.

Vice Chairman Batt turned the gavel over to **Chairman Loertscher**.

In response to committee questions, **Ms. Jordan** stated deliberations and negotiations are different. She said deliberations are guideposts in starting negotiations.

Wayne Hoffman, President, Idaho Freedom Foundation, stated he is **in support** of **H 487** because the current statute is problematic. He stated it would not be difficult for public employees to figure out how to negotiate their labor contracts without divulging personal information. He said this bill allows private negotiation meetings between managers.

Rep. Harris was recognized to close testimony on **H 487**. He explained that disciplinary actions, hiring of officers, would still be in executive session if this bill was passed. He stated that meaningful democracy can be messy but it is necessary.

MOTION: **Rep. Palmer** made a motion to send **H 487** to the floor with a **DO PASS** recommendation. He spoke to the motion stating the language is clear.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to send **H 487** to General Orders with an amendment to restore the proposed struck language in Section 1(c) to state: "To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency."

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **H 487** to General Orders with an amendment to restore the proposed struck language in Section 1(c) to state: "To conduct deliberations concerning labor negotiations or to" acquire an interest in real property which is not owned by a public agency. **Motion failed by voice vote. Reps. Luker and Gannon** requested to be recorded as voting **AYE**.

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to send **H 487** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Gannon, Smith and Woodings** requested to be recorded as voting **NAY**. **Rep. Harris** will sponsor the bill on the floor.

H 508: **Cozette Walters**, State Treasurer's Office, Administrator of Unclaimed Property, presented **H 508** a bill that clarifies the Unclaimed Property Program can conduct outreach and education on unclaimed property throughout the state. The bill also makes a technical clarification concerning the notice of escheatment.

MOTION: **Rep. Woodings** made a motion to send **H 508** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Woodings** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:03 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Tuesday, February 25, 2014

SUBJECT	DESCRIPTION	PRESENTER
HJM 7	Food Safety Modernization Act	Rep. Dayley
H 515	Beer sampling tasting	Rep. Eskridge
H 514	Concealed weapons, licenses	Rep. Youngblood
H 511	Biometric Data Protection Act	Rep. Morse

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 25, 2014

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1), Woodings

GUESTS: Raeleen Welton, Westerberg and Associates; Sheila Frances, Idaho Brewers United; Dan Scovel, Hayden Beverage Company; Jeremy Pisca, Idaho Beer and Wine Distributors Association; Dennis Tanikuni, Idaho Farm Bureau.

Chairman Loertscher called the meeting to order at 8:30 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of February 13, 17, and 18, 2014 meetings. **Motion carried by voice vote.**

HJM 7: **Rep. Dayley** presented **HJM 7**, a joint memorial that expresses the Idaho legislature's opposition to the proposed FDA Rules and request the United States Congress prohibit the FDA from adopting the Proposed Rules including any numerical water quality standards for irrigation water, Transportation Rules and any future FSMA Rules until a clear understanding of their impact can be determined. He stated there will be an estimated cost of \$30,000 per farm in Idaho, approximately \$2,000 per business, and \$149,000 nationwide.

MOTION: **Rep. Batt** made a motion to send **HJM 7** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dayley** will sponsor the bill on the floor.

H 515: **Rep. Eskridge** presented **H 515**, a bill that sets requirements and limitations for beer tasting events on premises not licensed for the sale of beer by the individual glass or opened bottle. It provides the limitation for a sample size of beer and require a specific area that the tasting sponsor can observe and ensure no minors or intoxicated persons are served. The legislation verifies and clarifies that beer tasting events are a very important part of the distribution process. He stated this legislation will assist the industry in growing and help Idaho's economy.

Shiela Francis, Idaho Brewers United, stated she is **in support** of the bill because as brewers, they rely highly on customer relations such as sampling. She stated sampling events help with brand name recognition and customer loyalty.

Jeremy Pisca, Idaho Beer and Wine Distributors Association, stated he is **in support** of the bill because wine vendors have been doing the same thing with no incident since legislation was passed in 2004. He stated breweries are growing in number and so consumer relations and sampling of new beers is essential.

In response to committee questions, **Mr. Pisca** stated the retailers conduct the events and so the sampling is managed by them. He stated sampling in retail stores is pretty rare and if assisted by a brewer, there are many limitations.

Pam Eaton, Idaho Retailers Association, stated she is **in support** of the legislation because there has already been wine sampling for years without any negative effects.

MOTION: **Rep. Smith** made a motion to send **H 515** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Andrus and Loertscher** requested to be recorded as voting **NAY**. **Rep. Eskridge** will sponsor the bill on the floor.

H 514: **Rep. Youngblood** presented **H 514**, legislation that removes special treatment for elected officials in regards to Second Amendment Rights. Currently, all citizens except those who fall in several specific groups enumerate in Idaho Code are required to obtain a license to carry a concealed weapon, including firearms. Elected officials are currently one such group who is excepted from this requirement. The legislation also streamlines language defining when an unloaded or disassembled gun can be concealed in a vehicle and clarifies the instances when a concealed weapon permit is necessary for carrying a concealed weapon.

MOTION: **Rep. Packer** made a motion to send **H 514** to the floor with a **DO PASS** recommendation.

Rep. Barbieri spoke in support of the motion and stated it is essential for an individual to be able to protect themselves at any time and restrictions are arbitrary.

Rep. Gannon spoke in support of the motion and stated it is only fair for public officials to be under the same laws as the public.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 514** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McMillan** requested to be recorded as voting **NAY**. **Rep. Youngblood** will sponsor the bill on the floor.

H 511: **Rep. Morse** presented **H 511**, a bill that establishes privacy standards for, and definitions of biometric data collected by private entities. Some private businesses are obtaining, analyzing, and transferring private biometric information. This bill requires safeguards for data that is collected, by requiring written notice to the subject, and obtaining written consent to collect such data. It informs the subject of the specific purpose of the data collection. It prohibits private entities from selling, trading, or transferring or profiting from the transfer of private biometric data. No private entity may disclose or copy, transfer private biometric data unless the subject consents to the disclosure, and such information is necessary for a contractual transaction, is required by law, or is required by a warrant. A private entity in possession of private biometric data must store the data securely by employing a reasonable standard of care. The bill further provides for a right of action for damages in the event of breach of these protections for a minimum of \$1,000 or actual damages, plus reasonable attorney's fees and costs. This act does not apply to the admission of evidence in Court, nor the storage or retention of medical records mandated by any state or federal law.

In response to committee questions, **Rep. Morse** stated government entities do not work under the standards in the bill. He said there are multiple layers of government and analyzing and deciding what information would be included would be very complex. He said private entities are the issue because of the threat of selling biometric data for a profit. He said pawn shops and lenders take fingerprints which could be sold to others. He stated there are various types of identifiers that are used to conduct transactions and are sometimes done without the person knowing or agreeing to it. This bill would prevent that information from being sold or traded. He stated there are HIPPA laws in place to protect people at the federal level. He stated the penalty would be liquidated and actual damages, civil damages, whichever is greater. He said private entities would fall into the scope of becoming liable for damages if they take a sample of someone's biometric data, test it, link it to identifying information and sell it.

MOTION: **Rep. Packer** made a motion to send **H 511** to the floor with a **DO PASS** recommendation.

Rep. Monks spoke in support of the motion.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 511** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Palmer and Loertscher** requested to be recorded as voting **NAY. Rep. Morse** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:32 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Wednesday, February 26, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22699C1	House Resolution 231, Support urged	Rep. Youngblood
RS22981C1	Insurance, confidential information	Rep. Dayley
RS22903	Convention request re corporate campaign spending	Rep. Ringo
RS22911	Daylight savings time, exempt	Rep. Moyle
RS22982	Racing Commission Rule rejection	Rep. Batt
RS22983	Department of Administration Rule rejection	Rep. Batt
RS22984	Department of Administration Rule rejection	Rep. Batt
RS22967	Columbia River Treaty	Rep. Batt

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 26, 2014

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Crane

GUESTS: Russell Westerberg, Westerberg and Associates; Raeleen Welton, Westerberg and Associates; Dennis Stevenson, Office of Administrative Rules; Greg Furch, self; Woody R., Insurance Company; Holly Koole, IPAA.

Chairman Loertscher called the meeting to order at 8:35 a.m.

RS 22699C1: **Rep. Youngblood** presented **RS 22699C1**, a joint memorial to support and urge federal legislation, in support of American service members who have gone missing and make it a top priority of our government. House Resolution 231 in the U.S. Congress seeks to establish a Select Committee on POW and MIA affairs, charged with conducting a full investigation of all unresolved matters relating to any United States personnel unaccounted for out of foreign conflict. Currently, the matter sits before the U.S. House Rules Committee. Because Idaho supports our military personnel, especially those who have not been able to return home, such as Idaho's **Sgt. Bowe Bergdahl**, this resolution encourages the U.S. House Rules Committee to move the matter on to consideration by the entire U.S. House of Representatives.

MOTION: **Rep. Monks** made a motion to introduce **RS 22699C1** and send it to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

RS 22981C1: **Rep. Dayley** presented **RS 22981C1**, legislation that deletes confidentiality language in the law and thus make available to the public the information regarding compensation of officers, directors, trustees and employees of any health carrier offering policies for sale on the Idaho Health Insurance Exchange or any non-profit health carrier.

In response to committee questions, **Rep. Dayley** stated the process for the public to obtain such information would be completed by the normal public record request process. He stated the Department of Insurance would not be required to publish this information, but would be able to disclose it.

Rep. Monks invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

Rep. Packer invoked Rule 38 stating a possible conflict of interest but that she would be voting on the legislation.

MOTION: **Rep. Palmer** made a motion to introduce **RS 22981C1**. He spoke to the motion and stated the legislation warrants a hearing to obtain more information.

Rep. Barbieri spoke in **opposition** to the motion and stated the Idaho Health Care Exchange has lots of issues.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to introduce **RS 22981C**. **By a show of hands, the motion carried.** **Rep. Dayley** will sponsor the bill on the floor.

- RS 22903:** **Rep. Ringo** presented **RS 22903**, proposed legislation that attempts to restore Congress's role in the regulation of campaign finance by calling a Constitutional Convention for the express purpose of allowing corporate campaign spending to be regulated. The U.S. Supreme Court has ruled that rights of corporations were violated by limits on campaign spending in *Citizens United v. FEC*. As a result, the ability to place limits on campaign spending has been severely curtailed, and a small number of wealthy interests are increasingly able to control elections.
- MOTION:** **Rep. Woodings** made a motion to introduce **RS 22903**. **Motion failed by voice vote.**
- RS 22911:** **Rep. Monks** presented **RS 22911**, proposed legislation to exempt Idaho from daylight savings time, starting July 1, 2014. In 1784, Daylight Savings Time was first recommended. He said it was first thought of to save the burning of candles for light. He said research shows there is an increase in workplace injuries and accidents during this time. In 2008, heart attacks increased by 5%. In 2009, there was a 5.7% increase in work injuries. In 2012, cyberloafing increased in more than 200 metropolitan cities. He also stated that from 1986 to 1995, there was a 17% spike in traffic accidents once daylight savings time starts. He stated that keeping the clocks on spring forward will save lives.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 22911**. **Motion carried by voice vote.**
- RS 22982:** **Chairman Loertscher** announced the sponsor wanted to **HOLD** the legislation.
- RS 22983:** **Rep. Batt** presented **RS 22983**, a concurrent resolution that rejects certain rules of the Department of Administration relating to governing use of the State Capitol Exterior.
- MOTION:** **Rep. Packer** made a motion to introduce **RS 22983** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.
- RS 22984:** **Rep. Batt** presented **RS 22984**, a concurrent resolution that rejects certain rules of the Department of Administration governing use of the exterior of state property in the Capitol Mall and other state facilities.
- MOTION:** **Rep. Woodings** made a motion to introduce **RS 22984** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.
- RS 22967:** **Rep. Batt** presented **RS 22967**, proposed legislation urging the U.S. Department of State to support certain positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty. She said the positions supported by this legislation are (1) to recognize and protect the value of irrigated agriculture in the United States and promote additional development; (2) advocate that only U.S. projects specifically authorized by Congress for system-wide flood control may be required to provide such benefits under the treaty; (3) recognize the ecosystem benefits that have already been provided by U.S. storage projects pursuant to the other federal laws and refrain from advocating for additional ecosystem contributions from U.S. projects based on a treaty intended to manage flood control in the Columbia River; (4) recognize that ecosystem restoration as that term has been used by some proponents of modernization is intentionally vague and if incorporated into an international treaty could be used as a vehicle to override and infringe upon existing federal environmental laws and usurp state sovereignty over water and, therefore, require any treaty modification to preserve federal environmental protection laws and state water laws and reject any additional mitigation requirements; (5) require any treaty modification to recognize the primary authority and state sovereignty of Idaho and its sister states over their respective water resources; (6) reject any provision that would authorize tribes and federal agencies to design a process for allocation of water resources, or

to require flow augmentation beyond that already adopted by the State of Idaho through the Nez Perce Agreement; (7) reject any attempts through the treaty modification process to incorporate the reintroduction of anadromous species above Hells Canyon or Dworshak, as such efforts are outside the scope of the treaty purposes; and (8) protect navigation concerns so that adverse flows do not impact the transportation channel or lock system operations.

MOTION:

Rep. Palmer made a motion to introduce **RS 22967** and send it directly to the Second Reading Calendar.

Rep. Gannon spoke **in opposition** to the motion and stated the issue is complicated and a hearing would be necessary.

**SUBSTITUTE
MOTION:**

Rep. Luker made a substitute motion to introduce **RS 22967**.

Rep. Anderson(1) spoke **in support** of the substitute motion and stated the legislation did warrant a committee hearing before going to the floor.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to introduce **RS 22967**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:26 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Thursday, February 27, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22947	House rule 74, amended	Rep. Wills
H 540	Administrative Rules	Chairman Loertscher
H 524	Beer, brewer financial interest	Jeremy Pisca, Idaho Beer and Wine Association

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 27, 2014

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Parrish Miller, Idaho Freedom Foundation; Raeleen Welton, ILBD; Mack Bickle, Idaho Brewers United; Jeremy Chou, Givens Pursley; Dan Levine, self; Tony Walkins, Watkins Distributing; John Grazzaffi, Stein Distributing; Ken McClure, Givens Pursley, Anheuser-Busch; Dan Scovel, Hayden Beverage Company; Skip Smyser, Miller-Coors; Craig Stein, Craig Stein Beverage; Jack Lyman, Idaho Mining Association; Russell Westerberg, Hagadone Corporation.

Chairman Loertscher called the meeting to order at 8:31 a.m.

RS 22947: **Rep. Wills** presented **RS 22947**, legislation to update House Rule 74, which deals with the selection, removal, and compensation of attaches. He stated this will eliminate the necessity of adopting a resolution at the beginning of each session.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22947**. **Motion carried by voice vote.**

Chairman Loertscher turned over the gavel to **Vice Chairman Batt**.

H 540: **Rep. Loertscher** presented **H 540**, a bill that deletes the terms "amend" and "modify" and adds provisions related to those terms from the Administrative Procedure Act. The inclusion of these terms violates the principle of separation of powers between the executive and the legislative branches.

MOTION: **Rep. Packer** made a motion to send **H 540** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Loertscher** will sponsor the bill on the floor.

Vice Chairman Batt turned the gavel over to **Chairman Loertscher**.

H 524: **Jeremy Pisca**, Idaho Beer and Wine Distributors Association, presented **H 524**, legislation that seeks to codify the independence between the manufacturing tier and the distribution tier by declaring that a brewery/manufacturer with limited exceptions, cannot have a financial interest in a brewery. Currently, Idaho does not have any brewery-owned branches nor distributor-owned breweries. He explained that Idaho uses the three-tier system of regulation which helps ensure that none of the tiers are unduly influenced by the others in the marketing of beer products. Brewers or suppliers are financially independent from distributors and retailers. He stated the majority of the Untied States prohibits branch ownership. He stated the bill closes a loophole in Idaho Code and stated that a brewery cannot own a distributorship, and a distributorship cannot own a brewery. There is also an emergency clause to allow a brewery to appoint a temporary wholesaler for a period not to exceed five-years.

Ken McClure, Givens Pursley, Anheuser-Busch, stated he **is opposed** to **H 524** because he believes it is a contracts issue. He stated there is currently no issue that demands this legislation. He stated the three-tier system does not allow breweries to distribute their product to the public, they have to go through distributors. Anheuser-Busch wants to maintain a free-market competition in beer distribution. Restricting competition in the middle-tier by removing a qualified potential bidder from the market would unnecessarily hurt wholesalers who want to sell. It denies any opportunity for distributors to step in and rehabilitate a market or take other reasonable measures to protect their business and that are available to the manufacturer of the product. He asked the committee to reject any efforts to intervene in private sector transactions, so a free market system can be maintained. Also, so the business environment that encourages continued investment in Idaho can flourish. He stated the five-year rule does not work for them because he feels it is not long enough to rehabilitate a market. He also said Anheuser-Busch was not part of negotiations when this bill was drafted. Anheuser-Busch owns over 500 distributors and 17 distributorships.

Parrish Miller, Idaho Freedom Foundation, stated he **is opposed** to **H 524** because it is problematic and limits private parties from negotiating and contracting between each other. He stated this legislation will cause problems, such as job loss. He said there should be a trust of the free marketplace to function without new legislation.

Dan Levine, self, former Budweiser distributor and craft distributor, stated he **is opposed** to **H 524** because he believes the only people who are able to help breweries are large companies such as Anheuser-Busch.

Tony Watkins, Watkins Distributing, stated he **is opposed** to **H 524** because they have owned a number of distributorships throughout the state for Anheuser-Busch and the current system works well.

John Grazzaffi, Stein Distributing, stated he **is opposed** to **H 524** because he has worked with Anheuser-Busch for 50 years and has never been pressured by them to sell or stop distributing.

Mack Bickle, Idaho Brewers United, on behalf of Sheila Francis, President, stated they are **in support** of **H 524** because it maintains the three-tier system. He stated breweries need separate distributors but want to be able to self-distribute as well.

Dan Scovel, Hayden Beverage Company, stated he is **in support** of **H 524** because he supports the three-tier system. He said the market share does change and the business is constantly evolving. He said this bill is focused on a loophole.

Skip Smyser, Millers-Coors, stated he is **in support** of **H 524** because he is in support of the three-tier system and they approve of the five-year period in which a brewery can appoint a temporary wholesaler to have financial interest. He said the terms were negotiated from a one year period that was presented last year.

Craig Stein, Craig Stein Beverages, stated he is **in support** of **H 524** because the three-tier system is needed so there is no undue influence on any tier. The three-tier system was set up to avoid the "pay to play" system. He stated that in the past five years, Anheuser-Busch has purchased three large distributors in Oregon and Washington. Anheuser-Busch has announced they want 50% of the distributorships in Idaho. He said they want control of the second tier. He stated that Miller-Coors is the biggest distributor in Idaho at 40%. He said small craft breweries are concerned with not getting distributed and a brewery-owned branch is threatened when a global giant is trying to buy. He said it should be up to the consumer. He also stated everyone except Anheuser-Busch is on board with the legislation.

Mr. Pisca was recognized to close testimony on **H 524**. He stated there is a real concern and threat to the three-tier system. He said nothing in the legislation changes a contract, it only sets a time frame. He stated six other states acted to close this same loophole. He also stated he has made good-faith attempts to negotiate with the other companies who might be affected by the legislation.

MOTION:

Rep. Sims made a motion to send **H 524** to the floor with a **DO PASS** recommendation. She spoke to the motion and stated she has worked in the three-tier system and supports it fully.

Rep. Luker spoke in support of the motion and stated the three-tier system is a good working system and that we need to protect it.

Rep. Gannon spoke in support of the motion and stated he was glad the parties negotiated from one year to five years.

SUBSTITUTE MOTION:

Rep. Andrus made a substitute motion to **HOLD H 524** in the committee at the discretion of the chair. He spoke to the motion stating he didn't feel it was proper for the legislature to become involved in the issues between the brewers, distributors, and retailers.

VOTE ON SUBSTITUTE MOTION:

Roll call vote was requested on the substitute motion to **HOLD H 524** in the committee at the discretion of the chair. **Substitute motion failed, 5 AYE, 11 NAY.** Voting in favor of the substitute motion: **Reps. Anderson, Andrus, McMillan, Woodings, and Chairman Loertscher.** Voting in opposition to the substitute motion: **Reps. Batt, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, Monks, Packer, Smith, and Gannon.**

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the original motion to send **H 524** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Andrus and Chairman Loertscher** requested to be recorded as voting **NAY.** **Rep. Sims** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:33 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW02
Friday, February 28, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1254</u>	Firearms, concealed weapons/campus	Senator McKenzie

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 28, 2014

TIME: 8:00 A.M.

PLACE: Room WW02

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 8:01 a.m.

S 1254: **Senator McKenzie** presented **S 1254**, legislation that revises the preemption of firearms regulation on college campuses for certain licensed persons creates penalties for carrying concealed weapons under the influence of alcohol or drugs on a college campus, and adds a new section to provide civil immunity of colleges and universities allowing firearms. The legislation allows public colleges to permit the carrying of concealed weapons by license holders. He stated the age requirement for enhanced carry license holders is 21 years old. The legislation prohibits anyone from carrying a concealed weapon on a place that seats over 1,000 people. He stated the universities are safe but there is no viable security currently in place. He said six other states have adopted such a law and this legislation does not allow a person to carry when it is not allowed by federal law. He stated the Fraternal Order of Police is **in support** of the bill.

In response to committee questions, **Senator McKenzie** stated the "open carry" law has nothing to do with this legislation and the bill does not change it. He said the bill allows campus security to regulate beyond the scope they have now.

Kelby Monks, student at BSU, spoke **in support** of **S 1254** and stated he believes the bill will help prevent crime. He said he would rather sacrifice himself to help others than be caught off guard and unprepared to defend himself. He stated there are many students who are concealed weapon license holders who want to carry because they want to feel safe. He said he does not want his Second Amendment rights infringed upon, nor the right to protect his fellow students. **Callie Sands**, teacher, spoke **in support** of **S 1254** and stated she is a concealed weapon license holder. She stated she has a lot of experience with shooting and that it is important for teachers and students to be able to protect themselves. She said police can only respond to an incident, they are not in the middle of the conflict until after the fact. She stated teachers are trusted to teach the kids, so they should be able to protect them as well. She stated the few licensed persons who carry concealed weapons can be trusted.

David Duke, Chief of Police, City of Moscow, spoke **in opposition** to **S 1254** and stated the legislation allows open and concealed carry of weapons, which is dangerous. He stated his department responds routinely to fights on campus and the combination of low lighting, drugs and alcohol creates a threat with guns on campus. **Don Soltman**, President of State Board of Education, spoke **in opposition** to **S 1254** and stated all the board members are opposed. He stated the U.S. Supreme Court has agreed that Second Amendment rights need to be regulated sometimes.

Don Burnett, representing University of Idaho, Higher Education Presidents Council, spoke **in opposition** to **S 1254** and stated the universities should be able to govern their own campuses. He stated the teaching and learning environment will be affected if the bill passes. He said this is not the way to make campuses safer. He said universities have a range of options to protect students and teachers.

In response to committee questions, **Mr. Burnett** stated campus security is not currently armed and they call the Moscow Police Department in for any issues that might need that type of attention. He said the campus is safe and there is not a feeling or a need for firearms for the campus security. He stated they are not 100% sure no one is armed on campus at any time.

Cassandra Sullivan, Association of Students of BSU (ASBSU), spoke **in opposition** to **S 1254** and stated the Supreme Court has agreed there are certain situations where Second Amendment rights need to be regulated and they believe college campuses is one of those places. She said the fiscal impact would be higher than the addition of new signage because security around campus would need to be heightened. She presented a petition with signatures of 2,500 students of BSU (see attached). **Kent Nelson**, Attorney for University of Idaho, spoke **in opposition** to **S 1254** and stated there is currently no criminal charges for persons who illegally carry concealed weapons on campus. He said there are several issues with carrying guns on campus. He also stated there is nothing in the bill that prohibits open carry of weapons on campus.

Mark Browning, faculty at North Idaho College, spoke **in opposition** to **S 1254** and stated it would cost a minimum of \$300,000 to make changes to deal with this bill's implications. He stated there are young children on campus doing tours and such and this would affect them. He stated local control is important with college campuses.

In response to committee questions, **Mr. Browning** stated the \$300,000 would include new signs for each campus around the boundaries and training for security and additional staff on campus. He stated that marking boundaries would be difficult.

Bryan Lovell, Idaho Fraternal Order of Police, spoke **in support** of **S 1254** and stated the legislation is needed because there is currently nothing in place to stop an armed gunman on campus. He stated law enforcement respond to many different kinds of situations and the response time is not always fast. He stated a dangerous part about law enforcement responding to situations on campus is that they are not single-entry with armed guards or metal detectors. He said law enforcement does not want to stop anyone from protecting themselves or others.

In response to committee questions, **Mr. Lovell** stated the Idaho Fraternal Order has 18 to 20 lodges which is about 1,500 members, one-third of the officers in the state. He stated the majority of their members are in support of the legislation. He said some off-duty or retired officers have requested special permits to allow them to carry weapons on campus but most have been denied. He stated that concealed weapon license holders want to protect themselves and they take on a responsibility. He said law enforcement responding to an incident with an armed person has a lag time and the information could get misconstrued, but a person in the situation would know what to do.

Kathy Martin, Dean, Lewiston-Clark State College, spoke **in opposition** to **S 1254** and stated the Lewiston Police who provide emergency security on campus are also opposed because they are concerned with the combination of college students, guns, alcohol, and drugs. **Tony Fernandez**, President of Lewis-Clark State College, spoke **in opposition** to **S 1254** and stated the legislation causes serious safety concerns. He said violent crime has decreased in the past 14 years.

Erik Simpson, former Idaho House Representative, spoke **in support** of **S 1254** and explained the history of the bill. He said the legislation provides uniformity. He stated there needs to be a policy in place that regulates the open and concealed carry weapons on college campuses. He said that Article 1, Section 11, Idaho State Constitution, gives Idaho citizens the right to bear arms. He said the exemptions include the "supervision by law enforcement" and all concealed weapon license holders are under that exemption when they receive their license. He stated the rights of the citizens of Idaho are being abridged.

In response to committee questions, **Mr. Simpson** stated open carry is allowed everywhere in the state except the courthouses and elementary schools. He said open carry of weapons is even allowed at the Capitol building. He said that we would need to amend the Idaho Constitution to change the open carry law. He stated the Idaho citizens were polled and 82.5% supported strengthening Article 1, Section 11 of the Idaho Constitution.

Max Cowen, President of Associated Students of University of Idaho, representing 9,000 students, spoke **in opposition** to **S 1254** and stated they value control but the bill removes the colleges power to regulate themselves. **Rod Lewis**, State Board of Education, spoke **in opposition** to **S 1254** and urged the committee to listen to all of the testimony. He stated the colleges and universities, who are the stakeholders, were not consulted about the legislation and no negotiations were held. He said guns on campus will cause learning problems. He stated it is not always easy to determine who the good guy and bad guy are when there is an armed gunman causing problems. He stated allowing guns on campus will cause strain between parents and college staff. **Jeff Herps**, Lewis-Clark College, spoke **in opposition** to **S 1254** and stated there are hazards associated with carrying weapons on campus. He stated the open carry aspect will be a problem and is not feasible on college campuses. **Steve Olsten**, President of Eastern Idaho Technical College, spoke **in opposition** to **S 1254** and stated he will not be comfortable working in an environment in which guns are allowed.

Jeff Fox, President, College of Southern Idaho, spoke **in opposition** to **S 1254** and stated there are three outreach campuses and the Idaho School of the Deaf and Blind and the legislation would affect all of those campuses. **Jeff Gunter**, City of Hailey, spoke **in opposition** to **S 1254** and stated the legislation is flawed and causes issues because there are multiple college classes that are held on high school campuses. **Claude Spinosa**, self, spoke **in opposition** to **S 1254** and stated guns are for killing and the last thing he wants are guns on campus, where they are supposed to be learning. **Stan Bastian**, CWI Chairman of Board, spoke **in opposition** to **S 1254** and stated the bill is flawed because there are unintended consequences. He stated there is no definition of "on campus" which causes problems. He said the bill does not consider youth on college campuses. He stated the bill takes away from local control. He said there may be times when guns can be allowed on campuses but more negotiations need to be held.

Clyde Moneyhum, Professor at BSU, spoke **in opposition** to **S 1254** and stated civilians with guns in stressful situations is not good. He stated being pro-gun means to consider gun legislation very carefully. **Kirk Smith**, Associated Dean, BSU College of Business and Economics, spoke **in opposition** to **S 1254** and stated this bill is not a safe bill, it will not make campuses safer. **Mike Masterson**, Boise Police Chief, spoke **in opposition** to **S 1254** and stated this bill is not good for campus security and has the potential to cause many issues. **Ashley Morehouse**, student at University of Idaho, spoke **in opposition** to **S 1254** and stated the conversation about implementing this legislation needs to include the students and the administration of the colleges. **Dr. Vincent Serio**, BSU professor, spoke **in opposition** to **S 1254** and stated there is more evidence that guns on campus will cause more harm than good. He stated the risk of being threatened with a gun is heightened and people are more obliged to use alcohol and drugs. He said he is worried about firearms in the medical centers on campus. He stated the doctors and health professionals need to be protected.

Brian Kane, Deputy Attorney General, was recognized to answer questions on **S 1254**. **Mr. Kane** stated under this legislation, the Education Board and Colleges would have the authority to regulate open carry on campus. He stated they can regulate to the broadest extent. He said the colleges can deal internally with penalties for carrying firearms.

Bob Van Arnem, self, spoke **in opposition** to **S 1254** and stated there could be issues with mental health and gun holders.

Chairman Loertscher called a recess of the committee at 11:14 a.m.

Chairman Loertscher reconvened the meeting at 1:05 p.m.

Kevin Satterlee, Vice President of Operations, BSU, spoke **in opposition** to **S 1254** and stated the bill is ambiguous. He stated BSU has been using recommendations that were issued after the Virginia Tech incident. He stated this bill will cause a delay in responding because security won't know who the good guys are versus the bad guys. He said universities and colleges would have to heighten security which will raise costs.

In response to committee questions, **Mr. Satter Lee** stated there is a chance for lawsuits due to the immunity provision that is in the bill that states one of the two licenses cannot be regulated.

Tony Snisko, Founder of Idaho Carry, spoke **in support** of **S 1254** and stated law enforcement response is around five minutes from the time the officer gets out of his vehicle. He said even **President Obama** made the statement that one in five women are sexually assaulted in college and because of that fact, the state needs to be more preventative. **Ryan Jenks**, attorney and certified concealed weapons instructor, spoke **in support** of **S 1254** and stated concealed weapons license holders are not crazy, they are all over the state everyday all day without incident. He stated the average person who takes classes to obtain a concealed weapons permit wants to know how to handle stressful situations. He stated there are already laws that prevent unlawful actions with weapons. **Marissa Jenks**, spoke **in support** of **S 1254** and stated as a student she is scared for her safety all the time. She said she should not have to give up her right to carry a concealed weapon when she is licensed and trained to do so.

Nick Ferronato, BSU Young Americans for Liberty, spoke **in support** of **S 1254** and stated they support the freedom of the right to protect themselves. A weapon in the hands of a law-abiding citizen is not a crime. He also asked why universities do so little to prevent guns on campus right now and why the campus security is unarmed.

Jon Uda, Executive Director of Security BSU, spoke **in opposition** to **S 1254** and stated there is a problem with the bill which asks unarmed security to confront armed individuals. He stated it will be expensive for colleges and universities to employ trained and armed staff. He asked the committee to please consider the fiscal impact on the colleges.

In response to committee questions, **Mr. Uda** stated current and former law enforcement officers are sometimes allowed to carry concealed weapons on campus with permission. He also said he assumes there are people who carry guns on campus already against university policy.

Mary Bolognino, grandmother, spoke **in opposition** to **S 1254** and stated she has grandchildren in college and is worried about their safety if this legislation passes. **Heather Parkinson Dermott**, teacher, spoke **in opposition** to **S 1254** and stated she has had experiences in her time teaching with mentally disturbed students which has made her fear that if they had firearms on campus she would feel even more unsafe. **Bob Hay**, professor at BSU, spoke **in opposition** to **S 1254** and stated the legislation puts faculty in a bad position.

Dakota Moore, National Rifle Association, spoke **in support** of **S 1254** and stated the universities are arguing that there are issues with the legislation regarding the open carry of firearms, fiscal impact, posting signage, and protection of nuclear facilities. He stated that open carry is not mentioned in the bill, the fiscal impact will be minimal because the colleges are not mandated to post signs regarding the right to carry, and there is no threat to nuclear facilities being affected. He said the colleges have no valid reason to oppose the legislation.

In response to committee questions, **Mr. Moore** stated that currently the only ramification is to ask an individual to leave campus if carrying a firearm. He said the only way to amend the open carry law anywhere in the state is to amend the Idaho Constitution.

Dolores Aragon, Mom's Demand Action, Idaho Chapter, spoke **in opposition** to **S 1254** and stated she is worried about student safety. **Kent Kunz**, Director of Government Relations for Idaho State University, spoke **in opposition** to **S 1254** and stated there is a conflict when high school and college campuses are combined. He stated it would potentially cost \$600,000 to comply with this legislation.

Mel Walker, self-defense teacher, spoke **in support** of **S 1254** and stated the legislation is an extension of self-defense outside the home. He stated the legislation is not forcing people to carry weapons, it simply allows permit holders to do so. He said women, especially young women, would benefit the most from this bill. He stated that Idaho has some of the harshest penalties for drinking while carrying a concealed weapon. He said that a person must have zero percentage alcohol when carrying a firearm.

Michelle Martinez, teacher at BSU, spoke **in opposition** to **S 1254** and stated having guns on campus could be perceived as bullying or threatening to others. **Emily Walton**, student at BSU, spoke **in opposition** to **S 1254** and stated she and fellow students are building a coalition to keep guns off campus. **Bob Kustra**, President of BSU, spoke **in opposition** to **S 1254** and stated the universities/colleges were not brought in to negotiate the bill at all. He stated he doesn't want Idaho to be a bad example to the nation. He said he is uncomfortable with the college campuses in Idaho being the testing grounds for guns on campus laws. He also stated it will be difficult to employee and keep the current teachers because many are opposed to guns on campus.

In response to committee questions, **Mr. Kustra** stated BSU does not want concealed carry or open carry weapons allowed on campus. He said the only exceptions they would allow on campus would be for retired law enforcement to carry.

Bruce Newcomb, BSU, spoke **in opposition** to **S 1254** and stated the Second Amendment does not apply to schools according to the Supreme Court. He said this bill was not collaborative and needs to be discussed more by the parties who will be involved.

Greg Ferch, self, spoke **in support** of **S 1254** and stated this bill would add security that is already needed on campus. **Jacob Palmer**, BSU student, spoke **in support** of **S 1254** and stated he feels safe knowing people who have been trained to handle firearms would be on campus to protect themselves and can help protect others. **Kim Knoff**, student, spoke **in support** of **S 1254** and stated she is not intimidating to others nor is she intimidated by other permit holders who carry. She said she is intimidated to walk out to her car after class at night and not be able to defend herself if she needed to. She stated BSU does nothing to prevent guns being carried on campus right now.

Senator McKenzie was recognized to close testimony on **S 1254**. He stated the majority of people who will be affected by this bill are in support of it. He reiterated that this is a fundamental liberty. He also stated this concerns concealed weapons and does not affect open carry.

MOTION:

Rep. Palmer made a motion to send **S 1254** to the floor with a **DO PASS** recommendation.

Rep. Packer spoke **in support** of the motion and stated this bill will not create an environment of over excess of carrying firearms on campus, these are law-abiding citizens who have the licenses to do so. **Rep. Andrus** spoke **in support** of the motion and stated there are women out there who need to be able to protect themselves. He stated he does not want to deny any person the ability from defending themselves if they choose. **Rep. Monks** spoke **in support** of the motion and stated he has children who are students at a few different colleges in Idaho and would feel better if they were allowed to protect themselves, especially since violence on campuses has increased. He also stated women should have the right to protect themselves. **Rep. Sims** spoke **in support** of the motion and stated she supports the bill because the right to bear arms is in the Idaho Constitution which trumps all.

Rep. Woodings spoke in opposition to the motion and stated she did not agree with the legislation because all of the parties were not included in negotiating the bill. **Rep. Gannon** spoke in opposition to the motion and stated not all parties or issues have been discussed and the open carry matter needs to be addressed. He also stated that colleges and universities need to have better security regardless. **Rep. Smith** spoke in opposition to the motion and stated the Supreme Court ruled that schools are exempt from the right to carry guns. She stated Idaho does not have many problems on college campuses, but security should be better.

**ROLL CALL
VOTE:**

Roll call vote was requested. **Motion carried by a vote of 11 AYE, 3 NAY, and 2 ABSENT/EXCUSED.** Voting in favor of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, and Packer.** Voting in opposition to the motion: **Reps. Smith, Gannon and Woodings.** **Reps. Anderson(1) and Luker** were absent/excused. **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:04 p.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, March 03, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22716	Legislative vacancies	Rep. Boyle
RS23000C1	Vietnam Veterans Day	Rep. Boyle
RS23020	John Mead Huntsman, honored	Rep. Anderson(31)

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 03, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1)

GUESTS: Tamara Mackenthum, Division of Veterans Affairs.
Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the February 19, 2014 meeting. **Motion carried by voice vote.**

RS 22716: **Rep. Boyle** presented **RS 22716**, proposed legislation to provide for the constitutionally protected separation of powers between the legislative and executive branches of state government.

MOTION: **Rep. Monks** made a motion to introduce **RS 22716**. **Motion carried by voice vote.**

RS 23000C1: **Rep. Boyle** presented **RS 23000C1**, proposed resolution to establish March 30, 2014, as the "Welcome Home Vietnam Veteran Day" in Idaho as part of a national celebration.

MOTION: **Rep. Batt** made a motion to introduce **RS 23000C1** and recommend it be sent to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

RS 23020: **Rep. Anderson(31)** presented **RS 23020**, proposed resolution to honor **Jon Huntsman**, a native Idahoan, for his exceptional business success and unmatched philanthropic largesse to the citizens of the Intermountain West and around the world.

MOTION: **Rep. Andrus** made a motion to introduce **RS 23020** and recommend it be sent to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Anderson(31)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:46 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, March 04, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1258</u>	Codifier's corrections	Katharine Gerrity
<u>S 1270</u>	Veteran's homes	Tamara Mackenthun

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 04, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Rep. Anderson(1)

GUESTS: Tamara Mackenthun, Division of Veterans Services

Chairman Loertscher called the meeting to order at 9:30 a.m.

S 1258: **Katharine Gerrity** presented **S 1258** regarding codifier's corrections. The purpose of this bill is to make various codifier corrections and technical corrections to the Idaho Code. In terms of the codifier corrections, the codifier, in compiling the new laws that are passed every year, occasionally find minor changes that should be made. There are 36 sections of the Code that needed changes. Some of those changes were in names, programs, punctuation, and grammar.

MOTION: **Rep. Gannon** made a motion to send **S 1258** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

S 1270: **Tamara Mackenthun** presented **S 1270** regarding Veteran's homes. Effective on August 22, 2011, the United States Department of Veterans Affairs (USDVA) authorized state veteran's homes to accept certain non-veteran parents of a child who died while serving in the armed forces. The purpose of this bill is to allow the three state veteran's homes in Boise, Pocatello, and Lewiston to admit as residents the parents of service members who died while on active service. As of now, spouses and parents are limited but the federal statute which governs VA per diem payments to only 25% of the population of the state veteran's homes, and 75% of the homes capacity is still reserved exclusively for veterans. Rules state that if a home is at or above 95% occupied, they will not accept spouses for admission, and if this legislation is passed the intention is to make all rules that apply to spouses also applicable to parents. Parents, like spouses will pay the full amount required to live in the homes; they will not receive federal VA per diem payments. Ms. Mackenthun stated the veterans homes are completely self-funded and no General Funds are put in the homes.

MOTION: **Rep. Woodings** made a motion to send **S 1270** to the floor with a **DO PASS** recommendation. **Rep. Monks** invoked Rule 38 stating a possible conflict of interest but that he would be voting on the motion.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to send **S 1270** to the floor with a **DO PASS** recommendation. **Motion failed by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:17 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, March 05, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS22873C1	Land exchange	Rep. Nielsen
S 1272aa	Legislative Council	Jeff Youtz

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 05, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Anderson(1)

GUESTS: Raeleen Welton, Westerberg and Associates; Jane Wittmeyer, Wittmeyer and Associates.

Chairman Loertscher called the meeting to order at 9:31 a.m.

S 1272: **Jeff Youtz**, Legislative Services, presented **S 1272**, a bill that changes the statutes governing the Legislative Council to match the current practice and policy regarding the selection of co-chairs of the council and the filing of any vacancies. The bill simply brings these dated statutes into alignment with long held practices on the Legislative Council.

MOTION: **Rep. Packer** made a motion to send **S 1272** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

RS 22873C1: **Rep. Nielsen** presented **RS 22873C1**, proposed resolution to encourage and help educate the citizens of Idaho to understand the proper role of government and uses of the school Sections, namely Sections 1 and 16 of each township. To help ensure that Idaho remains a republic as envisioned by our Founding Fathers, as stated in Article IV, Section 4 of the U.S. Constitution. To encourage the State Land Board in the proper use of these lands to help ensure that only natural resources and the land itself will be sold by auction either together or separately. To encourage trades for other lands to help ensure efficient management of the resources contained therein and the land itself. To avoid the ownership and control of other types of property that lead to a fascist form of government and the attending problems.

MOTION: **Rep. Batt** made a motion to introduce **RS 22873C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:52 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, March 06, 2014

SUBJECT	DESCRIPTION	PRESENTER
S 1350	State Treasurer, powers and duties	Senator Hill
SCR 142	Kaitlyn Farrington, honored	Senator Stennett
S 1253	Winery, manufacturing/bottling	Roger Batt, Idaho Grape Growers and Wine Producers

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 06, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Grape Growers and Wine Producers.

Chairman Loertscher called the meeting to order at 9:02 a.m.

S 1350: **Senator Hill** presented **S 1350**, legislation to establish an advisory board to the State Treasurer. The members of the five-person board will be appointed by the Governor and must be knowledgeable and experienced in financial matters. The legislation also removes securities lending agreements from the list of allowable investments by the State Treasurer. Board members will be compensated \$50.00 per day for meetings they attend and reimbursed for direct expenses. The total annual cost to the state General Fund is estimated to be less than \$10,000.

In response to questions, **Senator Hill** stated the Board will meet quarterly as public meetings and they will be advisors not auditors.

MOTION: **Rep. Packer** made a motion to send **S 1350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** requested to be recorded as voting **NAY**. **Rep. Luker** will sponsor the bill on the floor.

SCR 142: **Senator Stennett** presented **SCR 142**, a resolution to recognize and commend **Kaitlyn Farrington** for her achievements at the 2014 Winter Olympic Games in Sochi, Russia.

MOTION: **Rep. Woodings** made a motion to send **SCR 142** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence** will sponsor the bill on the floor.

S 1253: **Roger Batt**, Idaho Grape Growers and Wine Producers, presented **S 1253** a bill that ensures the bottling and manufacturing operations of a winery continue to remain in operation in the event a winery's license is suspended, revoked, or not renewed, unless the winery violates the provisions of applicable bottling and manufacturing laws. He stated the growers and producers association has met with beverage and alcohol control and they have not opposed the bill.

MOTION: **Rep. Woodings** made a motion to send **S 1253** to the floor with a **DO PASS** recommendation.

Vice Chairman Batt invoked Rule 38 stating a possible conflict of interest but that she would be voting.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to send **S 1253** to the floor with a **DO PASS** recommendation. **Motion carried by voice votes.** **Rep. Woodings** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, March 07, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1332</u>	Firearms	Senator Hagedorn
<u>S 1333</u>	Public works/ honorably discharged members	Senator Hagedorn

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 07, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Reps. Anderson(1), Crane, McMillan

GUESTS:

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes from February 25th and 26th 2014. **Motion carried by voice vote.**

S 1332: **Senator Vick** presented **S 1332** regarding firearms. This legislation is to protect Idaho law enforcement officers from being directed, through federal orders, laws, rules, or regulations enacted or promulgated on or after January 1, 2014, to violate their oath of office and Idaho citizens' rights under the Idaho Constitution. This Constitutional provision disallows confiscation of firearms except those actually used in commission of a felony, and disallows other restrictions on a lawful citizen's right to own firearms and ammunition. Senator Vick stated there are a couple big changes from last year's bill. The penalty for first offense is a fine for \$1,000. For a second offense it will be a misdemeanor. They have support from the Fraternal Order of Police, the NRA, the Washington County Sheriff's Office, and the Clearwater County Sheriff's Office.

MOTION: **Rep. Monks** made a motion to send **S 1332** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

S 1333: **Senator Hagedorn** presented **S 1333** regarding public works/honorably discharged members; this legislation clarifies existing language in Idaho State Code, ensuring all honorably discharged members of the Armed Forces of the United States of America are included within exception. Counties have prior preference to hire veterans. The bill left out including airmen.

MOTION: **Rep. Woodings** made a motion to send **S 1333** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:14 a.m.

Representative Loertscher
Chair

Amber Duke
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, March 10, 2014

SUBJECT	DESCRIPTION	PRESENTER
RS23113	Horse Racing Rules, rejected	Rep. Andrus
S 1335	Alcoholic beverages, sampling tasting	Senator Winder

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 10, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Anderson(1)

GUESTS: Sandee Price, 8 Feathers; Bill Roden, CDA Tribe; Helo Hancock, CDA Tribe; Russell Westerberg, CDAR; Jeremy Chou, Givens Pursley; Stan Boyd, TVR; Raeleen Welton, ILBA

Chairman Loertscher called the meeting order at 9:31 a.m.

S 1335: **Senator Winder** presented **S 1335** to the committee and explained the intent of the legislation is to equalize distilled spirits tasting laws with other tasting laws across the state. He said the legislation would allow distilleries to give out samples of approximately one-fourth of an ounce at no charge to the patron. It also establishes stipulations that the samples must be served by someone 21 years or older and that consumption can only be by those 21 or older. Senator Winder said there are currently eight distilleries in operation in Idaho. He said these distilleries buy Idaho agricultural products and create jobs for the state. He added that 44 other states also allow distilled spirits sampling.

In response to questions, **Senator Winder** stated the distilleries will sell the product to the state then buy it back in order to pay the appropriate taxes on the product set aside for sampling. He added the maximum number of samples that could be consumed in a 24-hour period is three.

In response to questions, **Jeremy Chou**, from Givens Pursley representing 8 Feathers Distillery, explained the language in the bill regarding sampling areas was intended to limit the sampling of distilled spirits to the distillery premises. He also gave examples of the amount of alcohol in the samples and its effect on various body types. He concluded by stating the distillery would be prohibited from selling product of any kind without the appropriate licenses.

Sandee Price from the 8 Feathers Distillery testified in support of **S 1335**. She stated additional blood alcohol calculations stated there are eight running distilleries in the state with three more in process of opening. She stated this would allow the distilleries to market their product on their premises and increase business.

MOTION: **Rep. Batt** made a motion to send **S 1335** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Luker** and **Andrus** requested they be recorded as voting **NAY**. **Rep. Batt** will sponsor the bill on the floor.

RS 23113: **Rep. Andrus** presented **RS 23113** to the committee. He stated this Concurrent Resolution would reject two subsections of the pending rules adopted by the Idaho State Racing Commission relating to wagering on historical horse races. He stated what was approved last session by the Legislature is not what is in place this year. He said the purpose of this Resolution is to restore the original intent of the Legislature. He went through the details of the proposed rules being rejected. He said this is not a complete repeal of historical racing but is simply rejecting the changes made in the Pending Rules to the definition of historical racing. He said the words, "also known as instant racing" were added to the definition. This Concurrent Resolution would reject that change in definition and in essence repeal the ability to have instant racing.

In response to questions, **Mr. Bill Roden** representing the Ceour d'Alene Tribe stated if the definition in rule is repealed the definition will still exist in statute and that would allow the historical racing to continue.

MOTION: **Rep. Luker** made a motion to introduce **RS 23113**. **Motion carried by voice vote.** **Rep. McMillan** requested she be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:05 a.m.

Representative Loertscher
Chair

Kaela Becklund
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, March 12, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1369</u>	County officers	Senator Rice
<u>SCR 141</u>	Patriot Academy Essays	Senator Nuxoll

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 12, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative(s) Andrus, Crane

GUESTS: None.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the February 27, 2014 meeting. **Motion carried by voice vote.**

S 1369: **Senator Rice** presented **S 1369**, a bill that eliminates a conflict of interest that currently exists for county prosecutors. County prosecutors represent county elected officials in their official capacity and also have responsibility to deal with misconduct by those same county elected officials when they are acting in their official capacity. This bill moves the misconduct authority to the Attorney General and does not include county budgeting oversight.

In response to committee questions, **Senator Rice** stated the Attorney General's office has enough staff to facilitate complaints and investigations regarding misconduct cases throughout the state. He stated the current law prohibits the Attorney General from investigating an elected official unless his office is invited to do so.

MOTION: **Rep. Batt** made a motion to send **S 1369** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

SCR 141: **Senator Nuxoll** presented **SCR 141**, a resolution to recognize the importance of teaching students about the proper role of good governance and the sacrifices made to protect and preserve a free and moral society. To honor and commend the winning essay for the Idaho Patriot Academy authorized by **Miss Harris** in honor of those patriots, both past and present, whose commitment, courage and sacrifice make possible the liberty we cherish as one Nation under God.

MOTION: **Rep. Barbieri** made a motion to send **SCR 141** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Barbieri** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:47 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, March 13, 2014

SUBJECT	DESCRIPTION	PRESENTER
<u>SJM 104</u>	Constitutional convention	Senator McKenzie
<u>SJM 106</u>	Saeed Abedini, secure release	Senator Nuxoll
<u>S 1356</u>	Uniform electronic legal material	Dale Higer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher

Vice Chairman Batt

Rep Anderson(1)

Rep Andrus

Rep Luker

Rep Crane

Rep Palmer

Rep Sims

Rep Barbieri

Rep Holtzclaw

Rep McMillan

Rep Monks

Rep Packer

Rep Smith

Rep Gannon

Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins

Room: EW46

Phone: 332-1145

email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 13, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Dale Higer, Common Uniform State Laws; Michael Greenlee, self; Julie Lynde, Cornerstone Family Council.

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the March 7 and 10, 2014 meetings. **Motion carried by voice vote.**

SJM 104: **Senator McKenzie** presented **SJM 104**, a memorial that requests Congress to comply with its Constitutional duty to keep a public record of applications from the states for a convention pursuant to Article 5 of the U.S. Constitution.

MOTION: **Rep. Packer** made a motion to send **SJM 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

SJM 106: **Senator Nuxoll** presented **SJM 106**, a memorial to petition **President Obama** and Secretary of State, **John Kerry**, to use every opportunity and resource to end the unjust imprisonment of U.S. citizen and resident of Ada County, **Pastor Saeed Abedini** and secure his immediate release.

MOTION: **Rep. Woodings** made a motion to send **SJM 106** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

S 1356: **Dale Higer**, National Conference of Commissioners on Uniform State laws, presented **S 1356**, a bill to create The Uniform Electronic Legal Material Act (UELMA) which provides an outcome-based approach to the authentication and preservation of electronic legal material. Increasingly, state governments are publishing laws, statutes, agency rules, and court rules and decisions online. In some states, important state-level legal material is no longer published in books, but is only available online. While electronic publication of legal material has facilitated public access to the material, it has also raised concerns. The goals of the authentication and preservation program outlined in the Act are to enable end-users to verify the trustworthiness of the legal material they are using and to provide a framework for states to preserve legal material in perpetuity in a manner that allows for permanent access.

In response to committee questions, **Mr. Higer** stated the laws and rules are verified online through different sources. He also stated they promulgate the laws so they are uniform. He stated it is more cost effective to have the laws and rules in electronic format then it is to have hard copies for everyone. He said the idea is to give the publisher the maximum flexibility to do what's best for their publication. He said this Act would require the publishers to preserve what they do and be sure the information is accessible to the public. He stated the July 20, 2015 date was chosen so the agencies have time to get the needed appropriations to publish electronically. He stated the Secretary of State's office and the Supreme Court are supportive of the bill.

MOTION: **Rep. Gannon** made a motion to send **S 1356** to the floor with a **DO PASS** recommendation.

Rep. Barbieri spoke **in opposition** to the motion and stated the legislation would cause undue stress to the system and would cost money that is not available. He also stated he does not think it will help with the county/city codes online being outdated.

Rep. Crane spoke **in support** of the motion and stated we are headed into an electronic age but added security within these systems needs to be addressed because cyber crime is ever increasing.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **S 1356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Barbieri and McMillan** requested to be recorded as voting **NAY**. **Rep. Gannon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:57 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Monday, March 17, 2014

SUBJECT	DESCRIPTION	PRESENTER
S 1302	Property transfer	Steve Price, Ada County Highway District

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 17, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Chairman Loertscher, Reps. Andrus, Monks.

GUESTS: Steve Price, Ada County Highway District; Roger Seiger, Capitol West; Jerry Deckard, Capitol West.

Vice Chairman Batt called the meeting to order at 9:38 a.m.

S 1302: **Steve Price**, General Counsel for Ada County Highway District, presented **S 1302**, a bill that exempts the Notice of Publication requirement for those transfers of real or personal property between governmental entities with a value of less than \$10,000. He stated it would streamline and simplify the process by which governmental entities may transfer such real or personal property. He stated this would save money for the district that could be better spent elsewhere.

In response to committee questions, **Mr. Price** stated the value of the items are determined according to the Idaho Code which sets the standards. He stated it costs \$500, per government entity, to print the Notice of Hearings with the local newspaper. He said it was determined the cases under \$10,000 was the bracket with the highest number of cases were. To increase the cost savings it made sense to include the bracket with the most cases.

MOTION: **Rep. Gannon** made a motion to send **S 1302** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Barbieri, Batt, Crane, McMillan, and Sims** requested to be recorded as voting **NAY**. **Rep. Gannon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room EW40
Tuesday, March 18, 2014

SUBJECT	DESCRIPTION	PRESENTER
SJR 103	Military duty	Senator Rice
SCR 146	Hilary Knight, honored	Senator Stennett
S 1370	Legislative substitutes	Senator Nonini
SCR 147	Fee Rules/adopted	Dennis Stevenson, Office of Administrative Rules
SCR 148	Temporary Rules extended	Dennis Stevenson, Office of Administrative Rules

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 18, 2014

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Reps. Anderson(1), Crane, Holtzclaw.

GUESTS: Dennis Stevenson, Rules Coordinator; Russell Westerberg, Raeleen Welton.

Chairman Loertscher called the meeting to order at 8:02 am.

MOTION: **Rep. Packer** made a motion to approve the minutes of February 28, 2014 and March 6, 2014. **Motion carried by voice vote.**

SJR 103: **Sen. Rice** presented **SJR 103** related to military duty. Article 14 of the Idaho Constitution requires enrollment of every able bodied male in the state militia. Sen. Rice stated this does not reflect current practice, which is voluntary service at both the state and national level. The active organized militia is the National Guard. The result is the current practice is not in compliance with the state constitution. This change in language would remove military service from the state constitution and permit it by statute. It would also tie the definition to Article 1, Second Amendment of the U.S. Constitution. Sen. Rice stated courts have held the terminology 'militia' refers to the entire body of citizens bearing arms.

In response to questions by the committee, **Sen. Rice** stated historically, enrolling has always meant names were automatically listed and the militia was organized from that list. Since a draft is no longer practiced, reference to that language is being eliminated. The language in the Idaho Constitution mirrors language in the U.S. Constitution from the late 1890's.

MOTION: **Rep. Monks** made a motion to send **SJR 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Barbieri and Gannon** requested to be recorded as voting **NAY**. **Rep. Moyle** will sponsor the resolution on the floor.

SCR 146: **Sen. Stennett** presented **SCR 146** which is intended to honor **Hilary Knight** who won a silver medal in Women's Hockey, at the 2014 Winter Olympics in Sochi, Russia. Sen. Stennett provided the committee with some of Ms. Knight's past accomplishments, including serving as Captain of the Badgers Women's Hockey team at the University of Wisconsin.

MOTION: **Rep. Smith** made a motion to send **SCR 146** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Pence and Miller** will sponsor the bill on the floor.

**S 1370aa, aa,
aa:** **Sen. Nonini** presented **S 1370aa, aa, aa** which would add a new section to Idaho Code. The intent of this legislation is to clarify that a named substitute for a legislator, is a qualified person residing in the appropriate district. The need for clarification came to light in the current session when confirmation of the qualification of a named substitute, to fill in for an absent legislator, was not verified.

In response to a question **Sen. Nonini** stated in the event of a foreign or domestic attack, the Governor has the ability to name substitute legislators under Idaho Code 67-415. Sen. Nonini clarified the purpose of this legislation is to ensure the named substitute is qualified. It is up to the legislator naming the substitute to determine they are qualified.

Responding to further questions, **Sen. Nonini** stated a qualified elector is one who has lived in the district the preceding 12 months. The intent is to clarify the responsibility of the legislator naming the substitute to determine qualification, which can be done by contacting the appropriate county elections office. Sen. Nonini stated legislators are required to submit no less than three or more than seven names to the Secretary of State, every election. These names and addresses are verified as potential qualified replacements, in the event the elected legislator is unable to complete their term. However, in some cases, a named substitute may not be on this list and their qualifications are not verified.

MOTION: **Rep. Palmer** made a motion to send **S 1370aa, aa, aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

SCR 147: **Dennis Stevenson**, Administrative Rules Coordinator, presented **SCR 147** which is required to effectively approve all Administrative Rules that impose a fee or charge. Mr. Stevenson stated language has been added to clarify the effective date as upon adoption of this resolution. If an agency requests a different effective date, it must be specified in the Administrative Rule.

In response to a question, **Mr. Stevenson** stated there were no fee or charge rules rejected. **SCR 147** is an omnibus resolution covering all rules having an associated fee or charge.

MOTION: **Rep. Woodings** made a motion to send **SCR 147** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

SCR 148: **Dennis Stevenson**, Administrative Rules Coordinator, presented **SCR 148** which is a requirement to allow Temporary Rules to remain effective beyond the legislative session.

MOTION: **Rep. Gannon** made a motion to send **SCR 148** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 8:37 am.

Representative Loertscher
Chair

Kathleen A. Simko
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, March 19, 2014

SUBJECT	DESCRIPTION	PRESENTER
SCR 143	Idaho Servicemen, honored	Senator Davis
SCR 145	Carbon monoxide poisoning	Senator Martin

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 19, 2014

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** Representative Crane

GUESTS: None.

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the March 3, 4, and 5, 2014 meetings. **Motion carried by voice vote.**

MOTION: **Rep. Packer** made a motion to approve the minutes of the March 12, 13, 17, and 18, 2014 meetings. **Motion carried by voice vote.**

SCR 143: **Senator Davis** presented **SCR 143**, a resolution to honor American servicemen from Idaho who have served their country honorably and at great personal sacrifice in the war in Afghanistan. This memorial honors four servicemen with Idaho ties who paid the ultimate sacrifice within the last year.

Natalie Wilson, Senate Intern, presented additional information on **SCR 143** and spoke about the lives of the four servicemen, **U.S. Army Specialist Thomas P. Murach**; **U.S. Army Staff Sergeant Octavio Herrera**; **U.S. Air Force Captain David Lyon**; and **U.S. Army Specialist Mitchell Daehling**.

MOTION: **Rep. Batt** made a motion to send **SCR 143** to the floor with a **DO PASS** recommendation.

Rep. Woodings spoke **in support** of the motion and stated her nephew has served his second tour in Afghanistan.

Rep. Smith spoke **in support** of the motion and stated her daughter and son in law have served in Afghanistan.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to send **SCR 143** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

SCR 145: **Senator Martin** presented **SCR 145**, a resolution to urge all Idaho residents to protect their homes and families by educating themselves about the risks and symptoms of carbon monoxide poisoning and by installing carbon monoxide detectors in their homes.

MOTION: **Rep. Packer** made a motion to send **SCR 145** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McDonald** will sponsor the bill on the floor.

Chairman Loertscher gave special recognition to Legislative Page **Wade Blanke** for his excellent service provided to the committee the second half of the session. He also recognized the outstanding assistance of Legislative Intern **Dakota Dreyfuss**, who has been assigned to the committee for the session. He also gave special recognition to House Secretary **Kasey Perkins** for her exceptional service and thanking her for her hard work the past two sessions.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:19 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary

AMENDED AGENDA #2
HOUSE STATE AFFAIRS COMMITTEE
11:30 A.M.
Room EW40
Thursday, March 20, 2014

SUBJECT	DESCRIPTION	PRESENTER
	Approval of minutes	
<u>S 1395</u>	Salaries, State elected officials	Senator Davis

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Anderson(1)
Rep Andrus
Rep Luker
Rep Crane

Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 20, 2014

TIME: 11:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: None.

Chairman Loertscher called the meeting to order at 11:34 a.m.

MOTION: **Rep. Packer** made a motion to approve the minutes of the March 19, 2014 meeting. **Motion carried by voice vote.**

S 1395: **Speaker Bedke** presented **S 1395**, a bill that addresses the pay raises for constitutional officers which states the pay for the Governor, Secretary of State, State Treasurer, and Superintendent of Public Instruction will increase 2.5% per year over the next four years. The bill also raises the Attorney General's salary up to that of District Court Judge. The amendment attached changes the increase to 1.5% per year over the next four years.

MOTION: **Rep. Batt** made a motion to send **S 1395** to General Orders with amendments attached.

Rep. Crane declared Rule 38 and stated he would still be voting.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to send **S 1395** to General Orders with amendments attached. **Motion carried by voice vote. Reps. Smith and Woodings** requested to be recorded as voting **NAY. Speaker Bedke** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:47 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary